AN

ACT

FOR

PUNISHING MUTINY AND DESERTION;

AND FOR

THE BETTER PAYMENT OF THE ARMY AND THEIR QUARTERS.

ALSO,

RULES AND ARTICLES

For the better Government of

ALL HIS MAJESTY'S FORCES.

WITH TABLES OF CONTENTS.

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ANNO DECIMO

GEORGII IV. Regis.

CAP. VI.

An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters. [23d March 1829.]

WHEREAS the raising or keeping a Standing Army within the United Kingdom of *Great Britain* and *Ireland*, in Time of Peace, unless it be with the Consent of Parliament, is against Law: —— AND whereas it is adjudged necessary by His Majesty, and this present Parliament, that a Body of Forces should be continued, for the Safety of the United Kingdom, the Defence of the Possessions of His Majesty's Crown, and the Preservation of the Balance of Power in *Europe*, and that the whole Number of such Forces should consist of Eighty-nine thousand seven hundred and twenty-three Men, exclusive of the Officers and

Preamble.

Numbers.

and Men belonging to the Regiments employed in the Territorial Possessions of the *East India* Company, but including the Officers and Men of the Troops and Companies recruiting for those Regiments :—— AND whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any kind of Punishment within this Realm, by Martial Law, or in any other Manner than by the Judgment of his Peers, and according to the known and established Laws of this Realm ; —— yet nevertheless, it being requisite, for the retaining all the beforementioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert His Majesty's Service, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow ; —— be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, ——

Crimes punishable by Death.

That if any Person who is or shall be commissioned or in Pay as an Officer, or who is or shall be listed or in Pay as a Non-commissioned Officer or Soldier, shall, at any Time during the Continuance of this Act, begin, excite, cause, or join in any Mutiny or Sedition in His Majesty's Land or Marine Forces, or shall not use his utmost Endea-

vours

vours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny, shall not, without Delay, give Information thereof to his Commanding Officer; —— or shall misbehave himself before the Enemy; —— or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall be commanded to defend; —— or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post, to deliver up to the Enemy or to abandon the same; —— or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; —— or shall leave his Post before relieved, or shall be found sleeping on his Post; —— or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of His Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; —— or shall treat or enter into any Terms with such Rebel or Enemy, without His Majesty's Licence, or Licence of the General or Chief Commander; —— or shall strike or use any Violence against his Superior Officer, being in the Execution of his

his Office, or shall disobey any lawful Command of his Superior Officer ; —— or shall desert His Majesty's Service ; —— all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm, or in any other of His Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer DEATH, or such other Punishment as by a Court-martial shall be awarded.

The ordinary Course of Law not to be interfered with.

2. AND be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law ; —— and any Commanding Officer who shall neglect or refuse, when Application is made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of His Majesty's Subjects, which is punishable by the known Laws of the Land, or shall wilfully neglect or refuse to assist the Officers of Justice in apprehending such Offender, shall, upon Conviction thereof in any Prosecution in any of His Majesty's Courts at *Westminster, Dublin,* or *Edinburgh*, be deemed to be *ipso facto* CASHIERED, and shall be utterly disabled to have or hold any Civil or Military Office or

or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in His Majesty's Service, and a Certificate thereof shall be transmitted to the Judge Advocate in *London*; —— provided that no Person, being acquitted or convicted of any Capital Crime, Violence, or Offence, by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be punished by a Court-martial for the same otherwise than by cashiering.

Soldiers not to be taken away from the Service for Debts under 20*l*.

3. AND be it enacted, That no Person whatever (except an Apprentice) enlisted in His Majesty's Service as a Soldier shall be liable to be arrested or taken therefrom by reason of the Warrant of any Justice, on account of any Breach of Contract or Engagement to serve or work for any Employer; —— and no Person enlisted as a Soldier shall be liable to be taken out of His Majesty's Service by any Process or Execution whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff, or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has

has been brought or Execution sued out amounts to the Value of Twenty Pounds at least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; —— and any Judge of such Court may examine into any Complaints made by a Soldier, or by his Superior Officer, and by Warrant under his Hand discharge such Soldier without Fee, he being shewn to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid; —— provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Place of Residence before such Listing, may file a Common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than and against the Body.

The King may make Articles of War in conformity with this Act.

4. AND be it enacted, That it shall be lawful for His Majesty to make Articles of War for the better Government of His Majesty's Forces, which Articles shall be judicially taken notice of by all Judges, and

and in all Courts whatsoever; —— and Copies of the same, printed by the King's Printer, shall, as soon as conveniently may be after the same shall have been made and established by His Majesty, be transmitted by His Majesty's Secretary at War, signed with his own Hand and Name, to the Judges of His Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of His Majesty's Dominions Abroad; —— provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or the *British* Isles, shall be subject by such Articles of War to any Punishment extending to Life or Limb for any Crime which is not expressed to be so punishable by this Act, nor in any Manner or under any Regulations which shall not accord with the Provisions of this Act.

Constitution of Courts-martial.

5. AND be it enacted, That His Majesty may from Time to Time grant a Commission, under the Royal Sign Manual, for the holding of General Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, in like Manner as has been heretofore used; —— and that for bringing Offenders against the Articles of War to Justice, it shall be lawful for His Majesty to erect and constitute Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, as well as to grant

grant his Royal Commissions or Warrants to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief, or commanding for the Time being, any Body of His Majesty's Forces, as well within the United Kingdom of *Great Britain* and *Ireland*, and *British* Isles, as in any of His Majesty's Garrisons and Dominions or elsewhere beyond the Seas, for convening, as well as for authorizing any Officer under their respective Command, not below the degree of a Field Officer, to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of their Forces under their several Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; —— and any Person subject to this Act, who shall in any of His Majesty's Dominions beyond the Sea or elsewhere commit any of the Offences for which he may be liable to be tried by Courts-martial by virtue of this Act, may be tried and punished for the same in any other Part of His Majesty's Dominions where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Composition of General Courts-martial.

6. AND be it enacted, that a General Court-martial convened in any Part of the

the King's Dominions, (*Bermuda, Africa,* and *New South Wales* excepted,) or in the Settlements of the *East India* Company, shall, in order to have Power to try a Commissioned Officer, or to pass Sentence of Death or Transportation on any Offender, consist of not less than Thirteen Commissioned Officers, in which Sentence of Death Nine at the least of the Officers of any Court consisting of Thirteen shall concur;——and if to try any Person not of the Rank of a Commissioned Officer, shall consist of not less than Nine;—— and such General Courts-martial convened in *Bermuda,* or out of the King's Dominions, excepting *Africa* and *New South Wales,* shall have not less than Seven, and in *Africa* and *New South Wales* not less than Five Commissioned Officers;—— and in all Cases where such General Courts-martial as aforesaid shall consist of more or fewer Officers than Thirteen, no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Officers present;—— and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

7. And

Powers of General Courts-martial.

7. AND be it enacted, That a General Court-martial may sentence any Soldier to Imprisonment, solitary or otherwise, and with or without hard Labour, in any Public Prison or other Place which such Court may appoint, to Corporal Punishment, not extending to Life and Limb, and to Forfeiture of all Advantage as to additional Pay or Pension on Discharge, for Immorality, Misbehaviour, or Neglect of Duty; —— and whensoever any General Court-martial by which a Deserter shall have been tried and convicted shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment, adjudge the Offender, according to the Nature of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in any Corps and in any Country or Place which His Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which His Majesty shall please to direct; —— and the Court may, in addition to any other Punishment, sentence such Offender to forfeit all Advantage as to Increase of Pay, or as to Pension on Discharge, which might otherwise have accrued to such Offender; —— provided that in all cases where a Capital Punishment

ment shall have been awarded by a General Court-martial, it shall be lawful for His Majesty, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as to His Majesty shall seem meet; —— and if any Person transported as a Felon, whether in pursuance of the original Sentence of the Court-martial, or in pursuance of such Order from His Majesty, shall afterwards return or be found at large, without Leave from His Majesty or other lawful Authority, within any Part of His Majesty's Dominions Abroad or at Home, other than the Place to which he shall have been Transported, before the Expiration of the Term limited by such Sentence or Order, and shall be duly convicted thereof, shall suffer Death as a Felon.

Trial by General Court-martial for Embezzlement.

8. AND be it enacted, That every Paymaster or other Commissioned Officer of His Majesty's Forces, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Procare or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores

Stores belonging to His Majesty's Forces or for His Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be Transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from His Majesty's Service, and Incapacity of serving His Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence;—— and every such Offender shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage sustained, which shall have been ascertained by such Court-martial;—— and the Loss and Damage so ascertained as aforesaid shall be a Debt to His Majesty, and may be recovered in any of His Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in His Majesty's Colonies where the Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known.

Powers of District or Garrison Courts-martial.

9. AND be it enacted, That a District or Garrison Court-martial shall consist of not less than Nine Commissioned Officers, and may in like Manner try Offences, and sentence any Non-commissioned Officer or Soldier to Imprisonment, solitary or otherwise and with or without hard Labour, in any

any public Prison or other Place which such Court may appoint, and also to Corporal Punishment (not extending to Life or Limb), and to Forfeiture of all Advantage as to Additional Pay, or to Pension on Discharge, in addition to any other Punishment, —— for Desertion, — for purloining or selling Government Stores, — for stealing from a Comrade or from a Military Officer, — for producing false or fraudulent Accounts or Returns whereby increased Expence has been or would be brought upon the Public, — for Embezzlement or Misapplication of Money entrusted to him, for which Offences such Soldier may further be put under Stoppages till the same be made good; —— or for such disgraceful Conduct as shall induce the said Court-martial to recommend such Offender to be discharged as unfit for the Service, from Vice or Misconduct, he having been once previously convicted of disgraceful Conduct by a Court-martial; —— and any District or Garrison Court-martial may deprive a Soldier of the Allowance in lieu of Beer, or of additional Pay, for any Period not exceeding Two Years, for habitual Drunkenness; —— provided that in all the foregoing Cases the Sentences shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony, except in Cases of Mutiny, when the Sentence may be confirmed and carried into

into execution on the Spot by the Officer in the immediate Command of the Troops; —— and the President of every Court-martial, other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial; —— provided that such Court-martial shall not have Power to pass any Sentence of Death or Transportation.

Marking a Deserter.

10. AND be it enacted, That it shall be lawful for any Court-martial empowered to try the Crime of Desertion, in addition to any other Punishment, to direct that the Offender be marked on the Left Side, Two Inches below the Arm-pit, with the Letter (D.) such Letter not to be less than Half an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Powers of a Detachment Court-martial.

11. AND be it enacted, That it shall be lawful for any Officer commanding any distinct Detachment or Portion of His Majesty's Troops which may at any Time be serving out of His Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries, by any Person serving with or belonging to His Majesty's Armies, being under the immediate Command of any

any such Officer, to summon and cause to assemble a Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts-martial; —— and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial; —— provided that no Sentence of any such Court-martial shall be executed until the General commanding in chief the Army of which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong, shall have approved and confirmed the same.

12. AND be it enacted, That in certain Cases where it may be necessary or expedient, Officers of His Majesty's Marine Forces may sit upon Courts-martial in conjunction with Officers of His Majesty's Land Forces, and such Courts-martial shall be regulated, to all Intents and Purposes, in like Manner as if they were composed of Officers of the Land Forces only, whether the Commanding Officer by whose Orders such Court-martial is assembled belongs to the Land or to the Marine Forces; Mixture of Officers.

Forces; —— and Officers of His Majesty's Land Forces, and Officers in the Service of the *East India* Company, when serving together, may be associated in Courts-martial, which shall, to all Intents and Purposes, be regulated in like Manner as if consisting wholly of Officers of His Majesty's Land Forces, or wholly of Officers in the Service of the *East India* Company; —— save and except that on the Trial of any Person in His Majesty's Service, the Provisions of this Act, and the Oaths thereby prescribed, shall be applicable; —— and on the Trial of any Officer or Soldier in the Service of the *East India* Company, the Provisions of an Act passed in the Fourth Year of the Reign of His Majesty, to amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer in the actual Service of the said Company may have a Commission from His Majesty.

Power to administer Oaths.

13. AND be it enacted, That all General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath to every Witness or other Person who shall be examined before such Court, in any Matter relating to any Proceedings before the same.

14. And

14. AND be it enacted, That in all Trials by Courts-martial to be held by virtue of this Act every Member assisting at such Trial, before any Proceedings be had thereupon, shall take the Oath in the Schedule to this Act annexed, before the Judge Advocate or his Deputy, or Person officiating as such, or, if a Regimental Court-martial, before the President of such Court, who are hereby respectively authorized to administer the same, and in Regimental Courts-martial any sworn Member shall administer the Oath to the President;—— and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed;——and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon:——PROVIDED also, that all Witnesses duly summoned by the Judge Advocate, or the Person officiating as such, shall, during their necessary Attendance in such Courts, and in going to and returning from

Proceedings of Courts-martial.

from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested;——or if such Court be not sitting, then by any Judge of the Court of King's Bench in *London* or in *Dublin*, or Court of Session in *Scotland*, or Courts of Law in the *East* or *West Indies* or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial;——and that all Witnesses so duly summoned as aforesaid who shall not attend on such Courts shall be liable to be attached in the Court of King's Bench in *London* or *Dublin*, or Court of Session, or Sheriff Depute or Stewarts Depute, or their respective Substitutes, within their several Shires and Stewartries in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of His Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness had neglected to attend in a Trial in any Proceeding in that Court.

Appeal.

15. AND be it enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second

Second Time by the same or any other Court-martial for the same Offence, unless in the Case of an Appeal from a Regimental to a General Court-martial;——and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than Once.

Report of Proceedings of General Courts-martial.

16. AND be it enacted, That every Judge Advocate, or Person Officiating as such at a General Court-martial, is required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence thereof to the Judge Advocate General in *London*, in whose Office they shall be carefully preserved;——and the Person tried by such Court, or any Person in his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Six Months if the Trial took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in His Majesty's Dominions;——PROVIDED that such Demand as aforesaid shall be made, and any Proceedings thereon had, within the Space of Three Years from the Date of the Approval or other final Decision

Decision upon the Proceedings before such General Court-martial.

Transportation from the United Kingdom.

17. AND be it enacted, That whenever it is intended that a Person convicted of Desertion shall be transported, either in pursuance of the original Sentence of a Court-martial or of His Majesty's gracious Order of Commutation as aforesaid, the Sentence of the Court-martial, together with His Majesty's Pleasure upon the same, shall be notified in Writing by the Officer Commanding in Chief His Majesty's Forces in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer, by the Adjutant General, to any Judge of the King's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon such Judge shall make an Order for the Transportation of such Offender in conformity with such Notification, and shall also do all such other Acts consequent upon the same as such Judge is authorized to do by any Act in force touching the Transportation of other Offenders;——and the Persons in whose Custody such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience, or for interrupting the Execution of the same, as if the Order had been

been made under the Authority of any such Act as aforesaid ;——and every Person so ordered to be transported shall be subject to every Provision made by Law and in force concerning Persons convicted of any Crime and under Sentence of Transportation ;——and from the Time when such Order of Transportation shall be made, every Act now in force touching the Escape of Felons shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape of any such Offender ; ——and the Justice or Baron who shall make any Order of Transportation as aforesaid shall direct the Notification of His Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of King's Bench;——and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a certificate in writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or in His Majesty's Behalf, shewing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before whom he was convicted, and the Conditions on which the Order of Transportation was given ;——which Certificate shall be sufficient Proof of

of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to enquire into the same.

Transportation from the Colonies.

18. AND be it enacted, That whenever any Person convicted of Desertion is to be transported from the *East Indies*, or from any Part of His Majesty's Foreign Dominions, either in Pursuance of the original Sentence of a Court-martial or on Commutation of Capital Punishment, a similar Notification shall be made by the Officer commanding in chief His Majesty's Forces at the Station, or in his Absence by the Adjutant General for the Time being, to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice, or some other Judge, as the Case may be, in any Part of His Majesty's Foreign Dominions, who shall make Order for the Transportation or intermediate Custody of such Offender, in such Manner and to or in such Place as shall be specified in any Directions given to such Chief Justice or Judge, in relation to any such Offender, by One of His Majesty's Principal Secretaries of State, and the necessary Proceedings shall be taken according to such Order, for the Transportation or intermediate Custody of Such Offender;——and all

all Acts in force in such Place touching other Offenders to be transported shall in all respects apply as well to the Offender himself so to be transported as to all other Persons whatsoever therein concerned.

Offences against former Mutiny Acts may be tried under this Act.

19. AND be it enacted, That all Crimes and Offences which have been committed against any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, may, during the continuance of this Act, be inquired of and punished in like Manner as if they had been committed against this Act; ——— and every Warrant for holding any Court-martial under any former Act shall remain in full force notwithstanding the Expiration of such Act, and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same; ——— provided that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to

Justice

Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

Subsequent Enlistment no Protection from Punishment for Desertion.

20. AND be it enacted, That every Soldier who shall desert from His Majesty's Service shall be liable to all the Pains and Penalties imposed by this Act for every such Offence committed by him, notwithstanding his having again enlisted into His Majesty's Service;——and every Soldier of right belonging to any Corps from which he may have originally deserted may be tried for deserting from any other Corps in which he may afterwards have enlisted, or from His Majesty's Service, if he shall not after such subsequent enlisting have been placed in any Corps, or may be tried for any Crime committed by him while serving therein, notwithstanding it shall be known that he had previously belonged to some other Corps or Party, and had not been discharged therefrom;——and if such Person shall be claimed by such other Corps or Party, and be proceeded against as a Deserter therefrom, his subsequent Desertion from any one or more Corps in which he may have unwarrantably enlisted, may be given in Evidence as an Aggravation of his Crime, previous Notice being always given to such Deserter of the Intention to produce such Evidence upon his Trial.

21. AND

21. AND be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and if no such Constable can be immediately met with, then for any Officer or Soldier in His Majesty's Service, to apprehend, or cause such suspected person to be apprehended, and to cause him to be brought before any Justice living in or near such place, and acting for the same or any adjoining County, who hath hereby Power to examine such suspected Person ;——— and if by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that such suspected Person is a Soldier, and ought to be with the Corps to which he belongs, such Justice shall forthwith cause him to be conveyed to some public Prison in such Place, or if there be no public Prison in such Place, then, at the Discretion of such Justice of the Peace, to the nearest or most convenient public Prison in the same or any next adjoining County, or to the Provost Marshal, in case such Deserter shall be apprehended within the City or Liberties of *Dublin*, or Places adjacent ; ——and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary at War, or, if the Deserter be apprehended in *Ireland*, to the Chief

Apprehension of Deserters.

Chief Secretary, to the end that such person may be proceeded against according to Law; —— and such Justice shall also send to the Secretary at War a Report, stating the Names of the Persons by whom the Deserter was apprehended and secured; and the Secretary at War shall transmit to such Justice an Order for the Payment to such Persons of such Sum, not exceeding Forty Shillings, as the Secretary at War shall be satisfied they are entitled to, according to the true Intent and Meaning of this Act: —— PROVIDED also, that no Fee or Reward shall be taken by any Justice, or his Clerk, in respect of any Information, Commitment, or Report as aforesaid.

Fraudulent Confession of Desertion.

22. AND be it enacted, That any Person who shall voluntarily deliver himself up as a Deserter from His Majesty's Forces or the embodied Militia, or the Forces of the *East India* Company, or who, upon being apprehended for any Offence, shall, in the Presence of the Justices, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Soldier, and shall be liable to serve in any of His Majesty's Forces, as His Majesty shall think fit to appoint, whether such Person shall have been ever actually enlisted as a Soldier or not; —— and if the Person so confessing himself to be a Deserter shall be serving at the Time in any of

of His Majesty's Forces, he shall be deemed to be and shall be dealt with as a Deserter.

23. AND be it enacted, That every Person who shall in any Part of His Majesty's Dominions, directly or indirectly, persuade any Soldier to desert His Majesty's Service, shall suffer such Punishment by Fine or Imprisonment, or both, as the Court before which the Conviction may take place shall adjudge; and every Person who shall assist any Deserter from His Majesty's Service, knowing him to be such, in deserting or in concealing himself from such Service, shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty for inducing to desert.

24. AND be it enacted, That every Commissioned Officer who shall, without Warrant from One or more of His Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Penalty for forcible Entry.

25. AND be it enacted, That every Gaoler and Keeper of any Prison or House of Correction in *England* or *Ireland* shall, upon the Order in Writing of any Commanding Officer of a District, Garrison, Regiment, or Corps, (as the Case may be,) receive

Custody of Offenders under a Military Sentence.

receive and provide a proper Place of Confinement for any Soldier under Sentence of Imprisonment by a Court-martial, and shall detain such Soldier during the period stated in such Order, or until he be discharged, or shall deliver up such Soldier to any Person producing an Order in Writing to that Effect from any such Commanding Officer as aforesaid, although the Period for which the Soldier was originally committed shall not have expired ;——— and every such Gaoler who shall refuse to receive and to confine any such Non-commissioned Officer or Soldier in manner as aforesaid shall forfeit for every such Offence the Sum of One hundred Pounds.

Custody of Deserters.

26. AND be it enacted, That the Gaoler or Person having the immediate Inspection of any Prison, Gaol, or House, of Correction in *England* and *Ireland*, shall receive and apply to the Maintenance of every Soldier, during the period of his Imprisonment, Sixpence *per diem*, which the Secretary at War shall cause to be issued out of the Subsistence of such Soldier upon Application in Writing, signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment ; ——— and such Gaoler is hereby required to receive and confine every Deserter who shall be delivered into his

his Custody by any Soldier conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such deserter shall have been taken, or some Order from the Office of the Secretary at War, or Chief Governor or Governors of *Ireland* ;——and such Gaoler shall be entitled to One Shilling for the safe Custody of the said Deserter, while halted on the March, and to such Subsistence for his Maintenance as shall be directed by His Majesty's Regulations.

27. AND be it enacted, That every Gaoler, to whom any Notice shall have been given that any Person in his Custody for any Offence is a Soldier liable to serve His Majesty on the Expiration of his Imprisonment, shall give One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, to the Secretary at War, or, if in *Ireland*, to the Chief Secretary. **Notice of Expiration of Imprisonment.**

28. AND be it enacted, That all the Provisions of this Act shall apply to all Persons employed on the Recruiting Service, receiving Pay in respect of such Service, and to the Officers and Persons now or hereafter serving and hired to be **Various Persons subject to the Act.**

employed

employed in the Royal Artillery and Field Train, and Master Gunners and Gunners, and Conductors of Stores, and in the Regiment of Royal Engineers, and in the Corps of Royal Sappers and Miners, and in the Corps of Royal Military Surveyors and Draftsmen, in the Ordnance and in the Commissariat Departments, and who are or shall be serving with any Part of His Majesty's Forces, at Home or Abroad, under the Command of any Officer having Commission from his Majesty;—and all Storekeepers and other Civil Officers who are or shall be employed by or act under the Ordnance at any of His Majesty's Ordnance Establishments at Foreign Stations;—provided that nothing in this Act contained shall extend to affect any Security which has been given by such Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, under the Provisions of an Act passed in the Fiftieth Year of the Reign of His late Majesty, to regulate the taking of Securities in all Offices, but that such Bonds and other Securities shall be and remain in full Force and Effect.

Foreign Troops in this Country.

29 AND be it enacted, That all Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised and serving in any of His Majesty's Dominions Abroad,

Abroad, or in Places in possession of or occupied by His Majesty's Subjects, under the Command of any Officer having any Commission immediately from His Majesty, shall be liable to Martial Law in like Manner as His Majesty's other Forces are; ——and if such Officers and Soldiers, having been made Prisoners, be sent into *England* or *Ireland*, although not allowed to serve therein, all the Provisions of this Act, in regard to billetting Soldiers, shall apply to such Officers and Soldiers.

30. AND be it enacted, That nothing in this Act contained shall in anywise be construed to extend to any of the Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, excepting only in such Case wherein by any Act or Acts for regulating any of the said Forces or Corps, the Provisions contained in any Act for punishing Mutiny and Desertion shall be specifically made applicable to the said Corps. Militia and Yeomanry.

31. AND be it enacted, That this Act shall be construed to extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Limitations as to certain Islands.

with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a General, or Garrison, or Detachment, or Regimental Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed.

Enlisting and swearing Recruits.

32. AND be it enacted, That every Person who shall receive Enlisting Money from any Person employed in the Recruiting Service, he being an Officer, Non-commissioned Officer, or an attested Soldier, shall be deemed to be enlisted as a Soldier in His Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billetted;——and every Person who shall enlist any Recruit shall first ask the Person offering to enlist, whether he does or does not belong to the Militia, and shall cause to be taken down, in Writing, the Name and Place of Abode of such Recruit;——and when any Person shall be enlisted as a Soldier in His Majesty's Land Service, he shall, within Four Days, but not sooner than Twenty-four Hours after such enlisting, appear, together with some Person employed

employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice residing in the Vicinity of the Place, and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Army;——and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall cause to be read to him the Notice contained in the Schedule to this Act annexed, and shall examine him as to whether he does or does not belong to the Militia, and shall require the Recruit to sign a Declaration in the Form in the said Schedule, and he is hereby required forthwith to cause to be read over in his own Presence to such Recruit the First and Second Article of the Second Section of the Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath of Allegiance and Fidelity, and Oath in the Schedule to this Act annexed, for limited or unlimited Service, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths, any thing in any Acts to the contrary notwithstanding;——and the said Justice is hereby required forthwith to certify, under his Hand, the enlisting and swearing, in the Form attached to such Oaths respectively, together with the Place of Birth, Age, and calling, if known, of such Recruit;——

and

and if any such Recruit so to be certified shall refuse to take the Oath of Allegiance and Fidelity before the said Justice, it shall be lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and Relief from Enlistment.

33. AND be it enacted, That any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to such Recruit subsequent to the Period of his having been enlisted, shall be forthwith discharged and set at liberty in the Presence of such Justice; ——but if such Person shall refuse or neglect, within the space of Twenty-four Hours after so declaring his Dissent, to return such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice:——PROVIDED also, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the sum of Money

Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice, upon Proof to his satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice;——and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and paid to any Person belonging to the Recruiting Party entitled thereto demanding the same;——provided that no Recruit who has been actually, though erroneously, discharged by the Justice, before the Expiration of Twenty-four hours after the Time of his Enlistment, shall be liable on that account to be proceeded against as having deserted from His Majesty's Service; —— and the Justice who shall discharge any Recruit shall in every case give a Certificate thereof, signed with his hand, to the Recruit, specifying the Cause thereof.

34. AND be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or person with whom

Offences connected with Enlistment.

whom he enlisted, and shall not voluntarily return to go before some Justice within such period of Four Days aforesaid, such Recruit shall be deemed to be enlisted and a Soldier in His Majesty's Service, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion ;——and such Recruit shall not be discharged by any Justice of the Peace after the expiration of such Four Days as aforesaid, unless it shall be proved to the satisfaction of such Justice that the true Name and Residence of the Recruit was disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual place of Abode, of his having so enlisted ;——provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit ;—— and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had

had absconded cannot be found and apprehended, transmit a Duplicate thereof to His Majesty's Secretary at War, or, if in *Ireland*, to the Chief Secretary, in order that, in the Event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a Deserter; —— and any Recruit who shall enlist into His Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, and mentioned at the Foot thereof, may be transferred into any Garrison or Veteran or Invalid Battalion, or into His Majesty's Marine Forces, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as His Majesty may allow in that behalf, instead of the Bounty upon which such Man shall have been enlisted, any thing in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; —— and it shall be lawful for any Two Justices before whom such Recruit shall be brought, and who shall be proved, upon Oath before them, to have wilfully concealed any such Infirmity

upon

upon being attested, or to have designedly made any false Representation as aforesaid, to adjudge such Person to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law now in force may be inflicted upon Rogues and Vagabonds and Vagrants and incorrigible Rogues;——and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice at the Time of his Attestation, and shall obtain any Enlisting Money, or any Bounty for entering into His Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England* of an Act, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*:—— and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His present Majesty, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*;——and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate

Certificate of the Justice at the Time of his being attested; —— and that Proof by the Oath of One or more credible Witnesses, that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in His Majesty's Service, or to His Majesty's Navy or Marines, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; —— and any Man who at the Time of offering to enlist shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon Oath of One Witness or upon his own Confession, or upon the Production of the Attestation, and the before-mentioned Declaration of such Person, certified by the Secretary at War, or Deputy Secretary at War, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable; —— and shall, from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong

belong as a Soldier to the Corps of His Majesty's Regular Forces or of the *East India* Company's Forces, into which he shall have so enlisted; —— provided that every such Person shall be liable to serve within the United Kingdom of *Great Britain* and *Ireland*, in any Regiment, Battalion, or Corps of His Majesty's Regular Forces, or of the *East India* Company's Forces, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Corps as aforesaid.

Penalty on Officers offending against Laws regarding Enlistment.

35. AND be it enacted, That every Military Officer, who shall act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for His Majesty's Service, shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, which is hereby authorized to administer such Oath, be cashiered, and disabled to hold any Civil or Military Office or Employment in His Majesty's Service.

36. AND

36. AND whereas it is expedient that Provisions should be made for the enlisting and attesting of Soldiers desirous of re-enlisting, and others desirous of enlisting, Abroad ; —— be it therefore enacted, That it shall be lawful for any Person duly appointed by His Majesty by any Warrant signed by the Secretary at War in that Behalf, and not being a General Officer nor holding any Regimental Commission, to enlist and attest, out of *Great Britain* or *Ireland*, any Soldiers or Persons desirous of enlisting or re-enlisting into His Majesty's Service ; —— and any Person so appointed shall have the same Powers in that Behalf as are given to Justices in the United Kingdom for all such purposes of Enlistment and Attestation ; —— and any Person so enlisted or re-enlisted shall be deemed to be an attested Soldier ; —— and as often as any Corps shall be relieved or be disbanded at any Station beyond the Seas, it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station, to enlist as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain ; —— and every Soldier so enlisted is hereby deemed to be discharged from his former Corps ; —— and an attested Certificate of Transfer shall be delivered to the Soldier. Enlistment and Re-enlistment Abroad.

37. AND

Enlistment of Negroes.

37. AND be it enacted, That all Negroes purchased by or on account of His Majesty, His Heirs and Successors, and serving in any of His Majesty's Forces, shall be deemed and taken to be free in every respect as if born free in any Part of His Majesty's Dominions, and shall be considered as Soldiers having voluntarily enlisted in His Majesty's Service ;—— provided that nothing contained in this Act as to enlisting for limited Periods of Service, or in any other Act as to any rules or Regulations for granting Pensions or allowances to Soldiers discharged after certain Periods of Service, shall extend to any Negroes so purchased.

Apprentice enlisting, not exempt from Military Service.

38. AND be it enacted, That any Person duly bound as an Apprentice who shall enlist as a Soldier in His Majesty's Land Service, and shall state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall, on Conviction thereof, be liable to be indicted and punished for obtaining Money under false Pretences, and shall, after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished, or not, be liable to serve as a Soldier in any of His Majesty's regular Forces; —— and if on the expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits,

cruits, may be taken as a Deserter from His Majesty's Forces.

Claims of Masters to Apprentices.

39 AND be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Soldier in His Majesty's Service, unless he shall, within One Calendar Month after such Apprentice shall have left his Service, go before some Justice and take the Oath mentioned in the Schedule to this Act annexed, and produce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed;——and unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, not having been above the Age of Fourteen when so bound,——and, if in *Ireland* or in the *British* Isles, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound,—and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture so duly executed shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County

County wherein the Parties reside, and there shall have been indorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to indorse and sign;——and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age;——provided that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid; —— and any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice, shall be entitled to receive, to his own Use, so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

Punishment of Apprentices enlisting.

40. AND be it enacted, That no Apprentice claimed by his Master shall be taken from any Corps or Recruiting Party but under a Warrant of a Justice residing near and within whose Jurisdiction such

such Apprentice shall then happen to be, before whom he shall be carried, and such Justice shall enquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice ; —— and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the said Place, and shall keep the Indenture, to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or next succeeding General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial ; —— and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture ; —— and every such Offender, in *Scotland*, may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment ; —— provided

vided that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

Musters, and Penalty on false Musters.

41. AND be it enacted, That Musters shall be taken of every Regiment, Troop, or Company in His Majesty's Service Twice at the least in every Year, at such Times as shall be appointed;—— and no Soldier shall be absent from such Musters, unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough;—— and every Person who shall give or procure to be given any untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicate thereof, or shall knowingly muster any Person by a wrong Name, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any Civil or

Military

Military Office or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in His Majesty's Service; —— and any Person who shall falsely be mustered or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Oath made by Two Witnesses before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds; —— and the Informer, if he belong to His Majesty's Service, shall, if he demand it, be forthwith discharged.

42. AND be it enacted, That Forty-eight Hours Notice shall be given to Six Justices, not being Officers of the Army, residing within the City and Liberties of *Westminster* and Borough of *Southwark*, of the Muster to be taken of His Majesty's Forces quartered within the said City and Liberties and Borough; —— and no Officer shall proceed to take such Musters, under Penalty of Fifty Pounds, except in the Presence of Two or more Justices, who shall take cognizance of such Muster, and sign the same, unless such Justices shall neglect to attend, of which Neglect, as well as of the proper Notice being given to such Justices, Oath shall be made, within Forty-eight Hours after such Muster, before any Justice; —— and the Officer appointed to take the Half-yearly Musters of

Musters in and near Westminster.

of any of His Majesty's Forces, at any Place Ten Miles distant from *London*, shall close the Muster Rolls within Twenty-four Hours after the said Muster has been made, and send a Copy thereof, within Seven Days, to the Secretary at War.

Forfeiture of Pay.

43. And be it enacted, That no Soldier shall be entitled to Pay during his Absence from Duty in His Majesty's Service in consequence of any Offence, Civil or Military, or any Imprisonment under any Sentence of any Court, or by reason of any Arrest for Debt, or as a Prisoner of War;——provided that any Non-commissioned Officer, or any Soldier, acquitted of the Offence for which he was committed, shall, upon Return to his Duty in his Corps, be entitled to receive all Arrears of Pay growing due during his Confinement;——and upon rejoining His Majesty's Service from being a Prisoner of War, due Enquiry shall be made by a Court-martial, and if it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner without wilful Neglect of Duty on his Part, and that he hath not served with or under or in any Manner aided the Enemy, and that he hath returned as soon as possible to His Majesty's Service, he may thereupon be recommended by such Court to receive either the Whole of such Arrears of Pay, or

or a Proportion thereof;—— and no Soldier who shall have been confined under any legal Sentence shall be allowed to reckon towards Pay or Pension any Part of the Period from the Day of his first Commitment to the Day of rejoining his Corps;—— provided that it shall be lawful for His Majesty's Secretary at War to order or withhold the Payment of the Whole or any Part of the Pay of any Officer or Soldier during the Period of his Confinement, whether before or after Conviction, or to issue any part of the Pay of a Prisoner of War which he may think proper.

44. AND be it enacted, That when there shall not be any Military Officer of Rank, not inferior to Captain, or any Adjutant of Regular Militia, within convenient Distance of the Place where any Non-commissioned Officer or Soldier on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity, to grant an Extension of Furlough for a Period not exceeding One Month;—— and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Corps or Detachment to which the Man belongs, if known, and if not, then to the

Furlough Pay.

the Agent of the Regiment, in order that the proper Sum may be remitted to the Soldier, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter;—— provided that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provision of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

Marching Money on Discharge.

45. AND be it enacted, That every Soldier entitled to his Discharge shall, if then serving Abroad, be sent, if he shall so require it, to *Great Britain* or *Ireland* free of Expence, and shall be entitled to receive Marching Money from the Place of his being landed (or, if discharged at Home, shall receive Marching Money from the Place of his Discharge,) to the Parish or Place in which he shall have been originally enlisted.

Commissaries to attest their Accounts.

46. AND be it enacted, That all Commissaries, upon making up their Accounts, and also upon returning from any Foreign Service, shall take the Oath described in the Schedule to this Act annexed;—— which Oath, if taken in any Part of the United Kingdom, shall be taken before some

some Justice, and, if taken on Foreign Service, before the Officer commanding in chief, or the Second in command, or the Quarter Master or Deputy Quarter Master General, or any Assistant Quarter Master General of the Army to which he shall be attached, who shall respectively have Power to administer the same.

Issue of Pay of the Army.

47. AND be it enacted, That no Secretary at War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or their under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in His Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fourth Day of *March* One thousand eight hundred and twenty-nine, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required by His Majesty's Regulations, or by His Majesty's Order signified by the Secretary at War; —— and every Paymaster or other Officer having received any Officer or Soldier's Pay, who shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by His Majesty's Orders, shall, upon proof thereof before a Court-martial, be discharged from

from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, if he demands it, shall be discharged from any further Service;—— provided that it shall be lawful for His Majesty's Secretary at War to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer, Non-commissioned Officer, or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty; —— or, in Case of any doubt as to the proper Issue of such Pay, to withhold it from the Parties aforesaid until His Majesty's Orders shall have been signified by the Secretary at War.

Agent, Penalty for Disobedience.

48. And for enforcing a prompt Observance of the Rules and Orders for the due Appropriation of the Public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents of the several Corps, be it enacted, That the said Agents are hereby required to observe such Orders as shall from Time to Time be given by His Majesty under his Sign Manual, or by the Secretary at War, or by His Majesty's Chief Governor or Governors of *Ireland*, or by the Lord Treasurer or Commissioners of the Treasury;—— and if any Person, being or having been an Agent, shall refuse or neglect to comply with such Orders in relation

relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier after the space of One Month after the Receipt thereof, he shall for the First Offence forfeit the Sum of One hundred Pounds; —— and, if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter; —— or, if he shall have ceased to be an Army Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds.

How and where Troops may be billetted.

49. AND whereas by the Petition of Right, in the Third Year of King *Charles* the First, it is enacted and declared, that the People of the Land are not by the Laws to be burthened with the sojourning of Soldiers against their Wills; —— and by a Clause in an Act of the Parliament of *England*, made in the Thirty-first Year of the Reign of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred sixty-two Pounds Seventeen Shillings and Three-pence, for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whomsoever, should from thenceforth presume to place, quarter, or billet any Soldier upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without

without his Consent, and that it shall be lawful for any Subject or Inhabitant to refuse to quarter any Soldier, notwithstanding any Warrant or Billetting whatsoever;—— AND whereas by an Act passed in *Ireland* in the Sixth Year of the Reign of Queen *Anne,* intituled *An Act to prevent the Disorders that may happen by the marching of Soldiers, and providing Carriages for the Baggage of Soldiers on their March,* it was enacted, that no Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, should, at any Time thereafter, be allowed any Quarters in any Part of *Ireland,* save only during such Time as he or they should be and remain in some Sea-port Town in order to be transported, or during such Time as there should be any Commotion in any Part of *Ireland,* by reason of which Emergency the Army should be commanded to march from any Part of *Ireland* to another:——BUT forasmuch as at this Time and during the Continuance of this Act there is and may be Occasion for the marching and quartering of Regiments, Troops, and Companies in several Parts of the United Kingdom of *Great Britain* and *Ireland,* be it further enacted, That it shall be lawful for all Constables of Parishes and Places, and other Persons specified in this Act, in *England* and *Ireland,* and they are hereby required, to billet the Officers and

Soldiers

Soldiers in His Majesty's Service, and Persons receiving Pay in His Majesty's Army, and the Horses belonging to His Majesty's Cavalry, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to any of His Majesty's other Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by His Majesty's Regulations, in Victualling Houses and other Houses specified in this Act, (taking care in *Ireland* not to billet less than Two Men in any One House, except only in case of billetting Cavalry as specially provided) ; —— and they shall be received by the Occupiers of such Houses in which they are so allowed to be billetted, and furnished with Stables, Hay, and Straw for such Horses as aforesaid, and in *England* with Diet and Small Beer, paying and allowing for the same the several Rates that are or shall be established by any Act in force in that respect, and for Forage in *Ireland* the Rates established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland*, and for the Use of Stables in *Ireland* Four-pence *per* Week for each Horse, to be paid only during the Time when such Horses shall be provided with Hay and Straw by Contract, and not by the Occupiers of such Houses as aforesaid ;

——and

—— and at no Time when Troops are on a March shall any of them, whether Infantry or Cavalry, be billetted above One Mile from the Place mentioned in the Route; —— and in all Places where Cavalry shall be billetted in pursuance of this Act, the Men and their Horses shall be billetted in one and the same House, except in case of Necessity; —— and in no other Case whatsoever shall there be less than One Man billetted where there shall be One or Two Horses, nor less than Two Men where there shall be Four Horses, and so in proportion for a greater Number; —— and in such Case each Man shall be billetted as near his Horse as possible; —— and the Constables are hereby required to billet all Soldiers and their Horses on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were locally situate within such Place; —— provided that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out of the County to which such Constable belongs, when the Constable of the adjoining County shall be present, and undertake to billet the due Proportion of men in such adjoining County; —— and no more Billets shall at any

any Time be ordered than there are effective Soldiers and Horses present to be billetted; ——all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; ——and if any Person shall find himself aggrieved by having an undue Proportion or Soldiers billetted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices within whose Jurisdiction such Soldiers are billetted, such Justices respectively shall have Power to order such of the Soldiers to be removed, and to be billetted upon other Persons, as they shall see Cause;——and when any of His Majesty's Cavalry or any Horses as aforesaid shall be billetted upon the Occupiers of Houses in which Officers or Soldiers may be quartered by virtue of this Act, who shall have no Stables, then and in such Case, and upon Complaint made by the Person having no Stables to Two or more Justices within whose Jurisdiction such Horses shall be so billetted, it shall be lawful for such Justices to order the Men and their Horses, or Horses only, to be billetted upon some other Person or Persons who have Stables by this Act liable to have Officers and Soldiers billetted upon them, and to order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Men

and

and Horses, or to be applied in the furnishing the requisite Accommodation ;——and Commanding Officers may exchange any Man or Horse billetted in any Place with another Man or Horse billetted in the same Place, for the benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billetted on such Houses ;——and the Constables are hereby required to billet such Men and Horses so exchanged accordingly ; ——and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets, to extend any Routes or enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops; ——provided that, to prevent or punish all Abuses in billetting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or order under his hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers who shall be quartered by such Constable, together with the Names of the Persons upon whom such Officers and Soldiers are billetted, stating the Street or Place where such Persons dwell, and the Signs, if any, belonging to those Houses ; ——and it shall be lawful to billet Officers and Soldiers in *Scotland* according to the Provisions of the Laws in force in *Scotland*

at

at the Time of its Union with *England*; —— and no Officer shall be obliged to pay for his Lodging where he shall be regularly billetted, except in the Suburbs of *Edinburgh*.

Billetting the Guards in Westminster, &c.

50. AND be it enacted, 'That the Officers and Soldiers of His Majesty's Foot Guards shall be billetted within the City and Liberties of *Westminster*, and Places adjacent, lying in the County of *Middlesex*, (except the city of *London*,) and in the County of *Surrey*, and in the Borough of *Southwark*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act ;—— and the High Constable shall, on Receipt of the order for billetting Soldiers, deliver Precepts to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet such Officers and Soldiers equally and proportionally on the Houses subjected thereto by this Act ;—— and the said Constables shall, at every General Quarter Sessions of the Peace to be holden for the said City and Liberties, Counties and Borough respectively, make and deliver to the Justices then in open Session assembled, ' upon oath, which oath the said Justices are hereby required to administer, Lists, signed by them respectively, of the Houses subject by this

this Act to receive Officers and Soldiers, together with the Names and Rank of all Officers and Soldiers billetted on each respectively, which Lists shall remain with the respective clerks of the Peace, for the Inspection of all Persons, without Fee or Reward ;——and such clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true copies of any such Lists, upon being paid Two-pence a Sheet for the same, each Sheet to contain at least one hundred and fifty Words.

Military Officer not to act as a Justice.

51. AND be it enacted, That no Justice having or executing any Military office or commission in any part of the United Kingdom shall, directly or indirectly, be concerned in the billetting or appointing Quarters for any Soldier in the Regiment, Troop, or Company under the immediate command of such Justice, but that all Warrants, Acts, or Things so appointed by such Justice for or concerning the same shall be void.

Allowance to Innkeepers.

52. AND be it enacted, That in case any Victualler or other Person on whom Soldiers may be billetted, except on the March, shall be desirous to furnish such Soldiers with Candles, Vinegar, and Salt, *gratis* and to allow to such Soldiers the Use of Fire and the necessary Utensils for dressing

ing and eating their Meat, and shall give Notice of such his Desire to the Commanding Officer, and shall actually furnish the same then the Soldiers so billetted shall provide their own Victuals and Small Beer; ——and every Officer to whom it belongs to receive or who does actually receive the Pay for any Officers or Soldiers, shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four days, settle the just demands of all Victuallers or other Persons upon whom such Officers and Soldiers are billetted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively;——and if any Officer as aforesaid shall not pay the same, upon Complaint and Oath made thereof by any Two Witnesses at the next Quarter Session for the County or City where such Quarters were situated, the Secretary at War is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give orders to the Regimental Agent to pay the said Sums, and to charge the same against such Officers;—— and in case of any Soldier being suddenly ordered to march, and that the respective Commanding Officers are not enabled to make payment of the Sums due for the Lodgings of the Men and stabling for the Horses,

Horses, every such Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billetted, and sign a Certificate thereof, which Account and Certificate shall be transmitted to the Agent of the Regiment, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer.

Use of General Terms, and Exemptions from Billets.

53. AND be it enacted, That all Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed* ;——and all clauses and Provisions relating to the *British* Isles shall be construed to extend to *Guernsey, Jersey, Alderney, Sark*, and *Man*, and all Isles thereto and to *England* and *Ireland* belonging ;——and all Clauses and Provisions relating to Soldiers shall be construed to extend to Non-Commissioned Officers, unless when otherwise provided ;——and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions ;——and all the Powers given to and Regulations made for the conduct of Constables in relation to the billetting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithing-

men,

men, Headboroughs, and such like Officers, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets Parishes, and Places in *England* and *Ireland*, and, on their Default or Absence, to any Justice of the Peace inhabiting in or near to any City, Town, Village, or Place, who shall act in the Execution of this Act in relation to billetting ;——and all Provisions for billetting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland* ;——and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billetting Soldiers in such Manner as has been heretofore customary ;——— provided that no Officer or Soldier shall be billetted in *England* in any private Houses, or in any Canteen held or occuppied under the Authority of the Ordnance Department, or upon Persons who keep Taverns only, being Vintners of the City of *London*, admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licenses, nor in the

House

House of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Shopkeeper whose principal Dealing shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Supply of Carriages.

54. AND be it enacted, That for the regular Provision of Carriages for His Majesty's Forces, and their Baggage, in their Marches in *England* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from His Majesty, or the General of His Forces, or the Master General or Lieutenant General of His Majesty's Ordnance, if in *England*, or by an Order from the Lord Lieutenant or Chief Governors of *Ireland*, or from the Officer Commanding His Majesty's Forces in *Ireland*, or other Persons duly authorized in that Behalf, shall, on Production of such Order to such Justices by some Officer or Non-commissioned Officer of the Regiment so ordered to March, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troops shall be ordered to march, (for each of which Warrants the Fee of One Shilling

Shilling only shall be paid,) requiring him to provide the Carriages, Horses and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying the Places from and to which the said Carriages shall travel, and the Number of Miles between the Places, for which Number only so specified Payment shall be demanded, and which Number of Miles shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; —— and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; —— and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; —— and in order that the Burthen of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all

all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constables within his jurisdiction to give Orders to provide Carriages, without any Special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, as far as the same can be done.

Rates to be paid, and Mode of Proceeding.

55. ' AND be it enacted, That the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with four or more Horses, or a Wain with Six Oxen, or Four Oxen and Two Horses, shall travel, One Shilling; —— and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; —— and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Six-pence; —— and in *Ireland*, for every Hundred Weight loaded on any Wheel Carriage, One Half-penny *per* Mile; —— and such further Rates may be added, not exceeding, in *England*, a total Addition *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, or Six-pence, and not exceeding, in *Ireland*, an additional Half-penny *per* Mile for

for every Three Hundred Weight, as may seem reasonable to the Justices assembled at General Sessions in *England* and *Ireland*, for their respective Districts ; —— and the Order of such Justices at Sessions shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions, (and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, shall be transmitted to the Secretary at War within Three Days after the making thereof) ; —— and in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act ; —— and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand, in the Warrant, the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher ; —— provided that the Officer or Non-Commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down in hand the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for

for the same on unstamped Paper ;—— and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable ; —— provided that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight ; —— but the Owner of such Carriages in *Ireland*, consenting to carry a greater Weight, shall be paid at the same Rate for every Hundred Weight of the said Excess ; —— and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car, and Six-pence a Mile for each Dray ; —— and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of His Majesty's Service ; —— and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England* ; —— provided that a Cart with one or More Horses, for which the

the Furnisher shall receive Nine-pence a Mile, shall be required to carry Fifteen Hundred weight at the least; — provided that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that Account be stopped or detained.

56. AND be it enacted, That it shall be lawful for His Majesty, or the Lord Lieutenant or Chief Governors of *Ireland*, by His or their Order, distinctly stating that a case of Emergency doth exist, signified by the Secretary at War, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding His Majesty's Forces in any District or Place, or to the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of His Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person, and for any Use whatsoever, but also of Saddle Horses, Coaches, Cases of Emergency.

Post

Post Chaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or Navigable River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; —— and on the Production of such Requisition to such Justice by any Officer of the Corps ordered to be conveyed, or by any Officer of the Commissariat or Ordnance Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; —— and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non commissioned Officers, Justices, Constables, and Owners of Carriages, in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rate of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the journey or Voyage in each Case, —— but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared

declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; —— and it shall be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment or Detachment, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same; —— and it shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient, then out of Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for the Carriages and Vessels aforesaid, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

57. AND be it enacted, That whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency Carriages at Dublin.

as

as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportionable Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; —— and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army, on any Pretence whatsoever.

Routes in Ireland.

58. AND be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland*, to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes for the marching of any of His Majesty's Forces in *Ireland*, in the Name of of such Lord Lieutenant or Chief Governor.

Tolls.

59. AND be it enacted, That all His Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses on Duty or on their March; —— and all Carriages and Horses belonging to His Majesty or employed in His Service, when conveying

conveying Persons or Baggage, under the Provisions of this Act, or returning therefrom, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already made or hereafter to be made;—— provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal, from Payment of Tolls, in like Manner as other Boats, Barges, and Vessels are liable thereto.

60. AND be it enacted, That when any Soldiers on Service have occasion in their March to pass regular Ferries in *Scotland*, the Officer Commanding may at his Option pass over with his Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in such Case pay only half the ordinary Rate for such Boat. Ferries.

61. AND be it enacted, That if any Constable or other Person, who by virtue of this Act shall be employed in billetting any Officers Penalties upon Civil Subjects offending

against the Laws relating to Billets and Carriages.

Officers or Soldiers in any Part of the United Kingdom, shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof;—— or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops;—— or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier, or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Soldier in any such Houses, against the Consent of the Occupiers;—— or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same;—— or if any Person appointed by such Constable to provide Carriages, Horses, or Vessels, shall do any Act or Thing by which the Execution of such Warrants shall be hindered;—— or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provision of this Act, or shall cause to be delivered defective Lists of the same;—— or if any Person, liable by this Act

Act to have any Officer or Soldier quartered on him, shall refuse to receive or to afford proper accommodation or Diet, or to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw for each Horse, at the Rate established by any Act in force in that respect; —— such Constables, Victualler, and other Persons respectively shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalties upon the Military so offending.

62. AND be it enacted, That if any Military Officer shall take upon him to quarter Soldiers otherwise than is limited and allowed by this Act, — or shall use or offer any Menace or Compulsion to or upon any Mayors, Constables, or other Civil Officers, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do any thing contrary to their said Duty, — such Officer shall for every such Offence, (being thereof convicted before any Two or more Justices of the County by the Oath of two credible Witnesses) be deemed and taken to be *ipso facto* CASHIERED, and shall be utterly disabled to hold any Military Employment in His Majesty's Service;— provided that a Certificate thereof shall be transmitted by the said Justice to the Judge Advocate

Advocate in *London,* who is hereby required to certify the same to the Commander in Chief and Secretary at War, and that the said Conviction be affirmed at some Quarter Sessions of the Peace of the said County held next after the Expiration of the Three Months after such Certificate of the Justice shall have been transmitted as aforesaid:——and if any Military Officer shall take, or knowingly suffer to be taken, any Money or Reward of any Person for excusing the quartering of Officers or Soldiers,—or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Soldier in any House, against the Consent of the Occupier, — he shall, upon being convicted thereof before a General Court-martial, be CASHIERED;—— and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, — or shall not discharge the same in due Time for their Return Home on the same Day, if it be practicable, except in the Case for Emergency, for which the Justice shall have given Licence,—or shall compel the Driver of any Carriage to take up any Soldier or Servant (except such as are sick) or any Woman to ride therein, except in case of Emergency as aforesaid,— or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, — or shall force Horses from their Owners, or in *Ireland* shall force the Owner

Owner to take any Loading until the same shall be first duly weighed, if the same can be done within a reasonable Time,—or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, — shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on purchasing Soldiers Necessaries, Stores, &c.

63. AND be it enacted, That any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter, or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, — or any Provisions,—or any Sheets or other Articles used in Barracks, provided under Barrack Regulations, — or any Regimental Necessaries, — or any Article of Forage provided for any Horses belonging to His Majesty's Service,—or shall change the Colour of any Clothes as aforesaid,—shall forfeit for every Offence the Sum of Ten Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become possessed.

Penalty on unlawful Recruiting.

64. AND be it enacted, That all the Persons (except such Recruiting Parties as may be stationed under Military Command) who

who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia, or *East India* Company's Service,—or shall open or keep any House, Place of Rendezvous, or Office,—or receive any Person therein under such Bill or Advertisement, as connected with the Recruiting Service, — or shall directly or indirectly interfere therewith, without Permission in Writing from the Adjutant General, or from the Directors of the *East India* Company, (as the Case may be,)—shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty on trafficing in Commissions.

65. AND be it enacted, That every Person, not being an authorized Army Agent, who shall negociate or act as Agent for and in relation to the Purchase, Sale, or Exchange of any Commission in His Majesty's Forces, shall forfeit for every such Offence the Sum of One hundred Pounds; —— and every Person, whether authorized or not as an Army Agent, who shall receive any Money or Reward in respect of any such Purchase, Sale, or Exchange, — or shall negociate or receive for any Purpose whatsoever any Money or Consideration where no Price is allowed by His Majesty's Regulations, or any Money or Consideration exceeding the Amount so allowed, —— shall forfeit One hundred Pounds,

Pounds, and Treble the Value of the Consideration where the Commission is not allowed to be sold, or Treble the Excess of such Consideration beyond the regulated Price.

Penalty on killing Game.

66. AND for the better Preservation of Game and Fish in or near such Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish within the United Kingdom of *Great Britain* and *Ireland*, and upon Complaint thereof shall be, upon Oath of One or more credible Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Officers not liable to take Parish Apprentices.

67. AND be it enacted, That no Officer of His Majesty's Forces, residing in Barracks, or elsewhere under Military Law, shall be deemed liable to have any Parish Poor Child bound Apprentice to him.

Mode of recording a Soldier's Settlement.

68. AND be it enacted, That any Justice in the United Kingdom, within whose Jurisdiction any Soldier having a Wife or Child shall be billetted, may summon such Soldier before him in the Place where he is billetted, (which Summons, he is hereby directed to obey,) and take his Examination

Examination in Writing, upon Oath, touching the Place of his last legal Settlement in *England*, and such Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his Commanding Officer, to be produced when required; —— which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such last legal Settlement before any Justice or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; —— provided that in case any Soldier shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

Wages of a Servant enlisting

69. AND be it enacted, That it shall be lawful for the Justice before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master, to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; —— and the said Justice shall give an Order, and enforce within Four Days the Payment of the Amount so awarded.

70. AND

70. AND be it enacted, That when any Persons shall hold any Canteens under proper Authority of the Board of Ordnance, it shall be lawful for any Two Justices, within their respective Jurisdictions, to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard to the Time of Year, or to the Notices or Certificates required by any Act in respect of such Licences;——and the Commissioners of Excise, or their proper Officers within their respective Districts, shall also grant such Licences as aforesaid;——and such Persons so holding Canteens, and having such Licences, may sell therein Victuals and Exciseable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture. **Licences of Canteens.**

71. AND be it enacted, That all Muster Rolls and Pay Lists which are required to be verified upon Oath shall be sworn before and attested by any Justice, without Fee or Reward to himself or his Clerk. **Attestation of Accounts.**

72. AND be it enacted, That any Action which shall be brought against any Person for any thing to be done in pursuance of this Act shall be brought within Six Months, and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give all special Matter **Forms of Actions at Law.**

in

in Evidence to the Jury which shall try the Issue ;——and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuit, or suffer any Discontinuance thereof, or if, in *Scotland*, such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants ;——and every Action against any Person for any thing to be done in pursuance of this Act, or against any Member or Minister of a Court-martial, in respect of any Sentence of such Court, or of any thing done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at *Wetminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

Recovery of Penalties.

73. AND be it enacted, that all Penalties and Forfeitures by this Act imposed, not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be recovered in every Part of the United Kingdom under the Provisions of an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to facilitate summary Proceedings*

ceedings, before Justices of the Peace and others, and of another Act passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, for facilitating the Execution of Warrants by Conviction;* which said recited Acts shall be used and applied, in *Scotland,* for the Recovery of all such Penalties and Forfeitures, as fully, to all Intents, as if the said recited Acts had extended to *Scotland,* any thing in the said recited Acts to the contrary notwithstanding; — and all Penalties and Forfeitures by this Act imposed, exceeding Twenty Pounds, shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin,* or in the Court of Session in *Scotland,* and in no other Court.

74. AND be it enacted, That one Moiety of every Penalty adjudged or recovered under the provisions of this Act shall go to the person who shall inform or sue for the same, and the other Moiety shall be paid to the General Agent for the Recruiting Service, to be at the Disposal of the Secretary at War; —— and every Justice who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary at War. Appropriation of Penalties.

75. AND

Perjury under this Act.

75. AND be it enacted, That all Oaths which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or Magistrate acting as such ;——and that any Person taking a false Oath in any Case wherein an Oath is required to be taken by this Act shall be deemed guilty of wilful and corrupt Perjury, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Laws now in force any Persons convicted of wilful and corrupt Perjury are subject and liable to.

Duration of the Act.

76. AND be it enacted, That this Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *March* One thousand eight hundred and twenty-nine, until the Twenty-fifth Day of *March* One thousand eight hundred and thirty ; —— and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Surk*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *April* One thousand eight hundred and twenty-nine, until the First Day of *April* One thousand eight hundred and thirty ;——and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *June* One thousand eight hundred and twenty-nine, until the First Day of *July* One thousand eight

eight hundred and thirty ;—— and shall be and continue in force in all other Parts of *Europe* where His Majesty's Forces may be serving, and in the *West Indies* and *America*, from the Twenty-fifth Day of *July* One thousand eight hundred and twenty-nine, to the First Day of *August* One thousand eight hundred and thirty ;—— and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* and *Bourbon*, and Islands thereto belonging. *Saint Helena*, and the Western Coast of *Africa*, from the Twenty-fifth Day of *October* One thousand eight hundred and twenty-nine, to the First Day of *November* One thousand eight hundred and thirty ; —— and shall be and continue in force in all other Places from the Twenty-fifth Day of *November* One thousand eight hundred and twenty-nine, to the First Day of *December* One thousand eight hundred and thirty :—— PROVIDED that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of His Majesty's Dominions beyond the Seas, become and be in full Force; any thing herein-before contained to the contrary notwithstanding.

77. And be it enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this Session of Parliament. Alteration of the Act.

SCHE-

SCHEDULES to which this Act refers.

Form of Oaths to be taken by Members of Courts-Martial.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I . do swear, That I will truly administer Justice, according to the Rules and Articles for the better Government of His Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases : —— AND I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved ; —— neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote

Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law. So help me GOD.

Form of Oath of Judge Advocate.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice of a Court-martial in a due Course of Law. So help me GOD.

Notice to be given to all Recruits before their Attestation.

ANY Man who is enrolled in the Militia, and who, upon offering to enlist in the Army, denies that he belongs to the Militia, is liable, upon Conviction before a Magistrate, to be committed to Prison for Six Months, over and above any other Penalty or Punishment which he may thereby incur for obtaining Money on false Pretences,

Declaration of the Recruit.

I do hereby acknowledge, That the above Notice has been read over to me, and that I was strictly questioned by †
whether I did or did not belong to the Militia, and that I answered that I did not. —— I also hereby declare, that I did not then and do not now belong to the Militia.

______________________ *Signature of Recruit.*

Signed in my Presence. ______________________

Justice of the Peace.

† This Blank to be filled up by the Name of the Non-Commissioned Officer or Man who actually enlisted the Recruit.

Oath of Allegiance and Fidelity.

I swear, That I will be faithful and bear true Allegiance to His Majesty, His Heirs and Successors; —— and that I will, as in Duty bound, honestly and faithfully defend His Majesty, His Heirs and Successors, in Person, Crown, and Dignity, against all Enemies;—— and will observe and obey all Orders of His Majesty, His Heirs and Successors, and of the Generals and Officers set over me. So help me GOD.

FORM of OATH to be taken by a RECRUIT enlisting for unlimited or limited Service.

I do make Oath, That [I am or have been, *as the Case may be, state Occupation, if any, or state if none,*] and to the best of my Knowledge and Belief was born in [*state County, Parish, Place, et cetera*], and that I am of the Age of Years ; —— that I do not belong to the Militia, or to any other Regiment, or to His Majesty's Navy or Marines ; —— and that I will serve His Majesty, His Heirs and Successors, [*if for unlimited Service*] " until I shall be legally discharged ;" —— [*if for limited Service*] *then* " for the Period of [*This Blank to be filled up by the Justice, with Seven Years for Infantry, Ten Years for Cavalry, and Twelve Years for the Artillery, if the Person enlisting is of the Age of Eighteen Years or upwards ; —— but if under Eighteen Years of Age, then the Difference between his Age and Eighteen to be added to such Seven, Ten, or Twelve Years, as the Case may be*] Years, provided His Majesty should for so long require my Service, and also for such further Term, not exceeding Six Months, as shall be directed by the Commanding Officer on any Foreign Station, and not exceeding Three Years, as shall be

be directed by any Proclamation of His Majesty, such additional Period, in the latter Case, to determine whenever Six Months of continued Peace, to be reckoned from the Ratification of any definitive Treaty, shall have elapsed subsequent to the Expiration of the said [Seven, Ten, *or* Twelve, *as the Case may be*] Years."

FORM of CERTIFICATE to be given by the Justice before whom a RECRUIT is attested for His Majesty's Service.

I One of His Majesty's Justices of the Peace of [*or* Chief Magistrate of], do hereby certify, That appearing to be Years old, Feet Inches high, Complexion, Eyes, Hair, came before me at on the Day of One thousand eight hundred and , and stated himself to be of the Age of Years, and that he had no Rupture, and was not troubled with Fits, and was no ways disabled by Lameness, Deafness, or otherwise, but had the perfect Use of his Limbs and Hearing, and was not an Apprentice ;——and acknowledged that he

he had voluntarily enlisted himself for the Bounty of to serve His Majesty, His Heirs and Successors, in the Regiment of commanded by and did engage to serve [*if the Person is enlisting for unlimited Service, the Justice is to insert the Words* "until he should be legally discharged"] ;——*and if the Person enlists for limited Service, then this Blank to be filled up with* "for the Period of " [*This Blank to be filled up by the Justice, with Seven Years for Infantry, Ten Years for Cavalry, and Twelve Years for the Artillery, if the Person enlisting is of the Age of Eighteen Years or upwards ;——but if under Eighteen Years, then the Difference between his Age and Eighteen to be added to such Seven, Ten, or Twelve Years, as the Case may be*] ;——provided His Majesty should for so long require his Services, and also for such further Period as His Majesty shall please to direct, not to exceed in any Case Three Years, and to determine whenever Six Months shall have elapsed of continued Peace subsequent to the Expiration of the Term of [Seven, *or* Ten, *or* Twelve] Years: ——And I do hereby certify, That in my Presence the First and Second Articles of the Second Section of the Articles of War against Mutiny and Desertion, and the Notice contained in the Schedule annexed to the Act for punishing Mutiny and Desertion,

sertion, were read over to him ;——and that he took the Oath of Allegiance and Fidelity, and also the Oath above set forth ;——and that he received the sum of on being attested; ——and that I have given to the said a Duplicate of this Certificate, signed with my Name.

Oath of Allegiance and Fidelity to be taken by a Recruit enlisting for either His Majesty's or the *East India* Company's Service.

I being enlisted to serve either in His Majesty's Troops or in the Forces of the *East India* Company, according as His Majesty shall think fit, do swear, That I will be faithful and bear true Allegiance to His Majesty, His Heirs and Successors;——and that I will, as in Duty bound, honestly and faithfully defend His Majesty, His Heirs and Successors, in Person, Crown, and Dignity, against all Enemies;——and will observe and obey all Orders of His Majesty, his Heirs and Successors, and of the Generals and Officers set over me ;——and that if His Majesty, His Heirs or Successors, shall please to appoint

appoint me to serve in the Forces of the United Company of Merchants of *England* trading to the *East Indies*, then I swear, That I will also be true to the said United Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

CERTIFICATE to be given by the Justice before whom a Recruit is attested, who has enlisted for the Service either of His Majesty or the *East India* Company.

} to wit. } I One of His Majety's Justices of the Peace of certify, That , aged Years, Feet Inches high, Complexion, Eyes, Hair, came before me at on the Day of One thousand eight hundred and , and acknowledged that he had voluntarily enlisted himself for the Bounty of to serve either in His Majesty's Army or in the Forces of the *East India* Company, according as His Majesty shall think fit to order :—And I further certify, That in my Presence annexed to the Act for

for punishing Mutiny and Desertion, were read over to him ;—— and that he took the Oath of Allegiance and Fidelity ;—— and that he received the Sum of on being attested.

OATH to be taken by a RECRUIT enlisting into the *East India* Company's Service.

I being enlisted to serve in the [Infantry *or* Artillery, *as the Case may be*] of the *East India* Company, do swear, That I will be faithful and bear true Allegiance to His Majesty, His Heirs and Successors ;——and that I will, as in Duty bound, honestly and faithfully defend His Majesty, His Heirs and Successors, in Person, Crown, and Dignity, against all Enemies ;——and will observe and obey all Orders of His Majesty, His Heirs and Successors, and of the Generals and Officers set over me ;——and I swear that I will also be true to the said United Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

FURTHER OATH to be taken by a Recruit enlisting into the *East India* Company's Service.

I do make Oath, that I am (*or* have been, *as the Case may be*) [*state Occupation, if any, or state if none*], and to the best of my Knowledge and Belief was born in [*state County, Parish or Place, et cetera*], and that I am of the Age of Years, and that I do not belong to the Militia, or to any Regiment in His Majesty's Service, or to His Majesty's Navy or Marines;——and that I will serve the United Company of Merchants of *England* trading to the *East Indies*, until I shall be duly and legally discharged [*or if the Recruit enlists for limited Service, then insert*] for the Period of Twelve Years [*if the Person enlisting is of the Age of Eighteen Years or upwards, but if under Eighteen Years, then the Difference between his Age and Eighteen to be added to such Twelve Years, as the case may be, and such Period to be inserted instead of Twelve Years*], provided the said United Company should so long require my Service.

CERTIFICATE to be given by a Justice before whom a Recruit is attested for the Service of the *East India* Company.

I One of His Majesty's Justices of the Peace of [*or* Chief Magistrate of] do hereby certify, That appeared to be Years old, Feet Inches high, Complexion, Eyes, Hair, came before me at on the Day of , and stated himself to be of the Age of Years, and that he had no Rupture, and was not troubled with Fits, and was no ways disabled by Lameness, Deafness, or otherwise, but had the perfect use of his Limbs and Hearing, and was not an Apprentice legally bound so as to prevent his enlisting, and acknowledged that he had voluntarily enlisted himself for the Bounty of to serve the United Company of Merchants of *England* trading to the *East Indies*, and did engage to serve for the Period of [*This Blank to be filled up by the Magistrate either until discharged or for Years, as in the preceding Form of Enlistment*];——and I do hereby certify, That in my presence the

of the Articles of War against Mutiny and Desertion, and the Notice contained in the Schedule annexed to the Act for punishing Mutiny and Desertion, were read over to him, and he took the Oath of Fidelity mentioned in the Act of the Fiftieth Year of His late Majesty King George the Third, and also the Oath above set forth ;——and that he received the Sum of on being attested ;—— and that I have given to the said a Duplicate of this Certificate, signed with my name.

FORM of OATH to be taken by a Master whose Apprentice has absconded.

I of do make Oath, that I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years ; ——and that the said did on or about the Day of abscond and quit my Service without my Consent ;—— and that to the best of my Knowledge and Belief the said is aged about Years

Witness

Witness my Hand at the
Day of One thousand eight
hundred and .

Sworn before me at ,
this Day of
One thousand eight
hundred and .

Form of Justice's Certificate, to be given to the Master of an Apprentice.

To Wit. I One of His Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and ; and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of for the term of Years ;—— and that the said Apprentice did on or about the Day of abscond and quit the service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

Form of Oath of Attestation of a Commissary's Accounts.

I   do hereby make Oath, That I have not applied any Money or Stores or Supplies, under my Care or Distribution, to my own Use, or to the private Use of any other Person, by way of Loan to such Person or otherwise, or in any Manner applied them, or knowingly permitted them to be applied, to any other than public Purposes, and according to the Duty of my Office.

Sworn before me, by the within named   , this   Day of   .

Justice of the Peace for the County of   , or Commander in Chief, or *Second in Command,* et cetera, *the Army serving in*   et cetera, [*as the Case may be.*]

Descrip-

DESCRIPTION RETURN of committed to Confinement at on the Day of as a Deserter from the Battalion of the Regiment of .

Age.	Size.		Complexion.	Colour of		Marks.	Probable Date of Enlistment, and in what District.	Probable Date of Desertion, and from whence.	Name, Occupation, and Address of the Person by whom apprehended.	Particulars of the Evidence upon which the Prisoner is committed.	Whether the Prisoner confessed before the Magistrate that he is a Deserter.
	Feet.	Inches		Hair.	Eyes.						

I do hereby certify, that the Prisoner has been duly examined before me, as to the Circumstances herein stated, and has declared in my Presence that he * a Deserter from the before-mentioned Corps.

————————*Signature and Address of Magistrate.*

————————*Signature of Prisoner.*

————————*Signature of Informer.*

* Insert "is" or "is not," as the Case may be.

* I certify that I have inspected the Prisoner, and consider him fit for active Service.

————*Signature of Surgeon.*

* If a Military Medical Officer be at or near the Place, he will inspect the Deserter, and report as to his Fitness for Military Service.

RULES AND ARTICLES

FOR

THE BETTER GOVERNMENT

OF

ALL HIS MAJESTY'S FORCES,

From the 24th Day of March 1829.

Published by His Majesty's Command.

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1829.

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GEORGE R.

RULES AND ARTICLES

For the better Government of all Our Forces.

SECTION I.

Divine Worship.

ANY Officer or Soldier, who shall presume to speak against any known Article of the Christian Faith, shall be delivered over to the Civil Magistrate, to be proceeded against according to Law; —— or ART. 1.

2. WHO, not having just Impediment, shall not regularly attend Divine Service and Sermon in the Place appointed for the assembling of the Corps to which he belongs; —— or wilfully absent himself; —— or, being present, behave indecently or irreverently; —— shall, if a Commissioned Officer, be brought before a Court-martial, there to be publicly and severely reprimanded; —— and, if a Non-commissioned Officer or Soldier, for the First Offence forfeit

feit Twelve-pence, to be deducted out of his next Pay; —— and for the Second Offence, not only forfeit Twelve-pence, but be laid in Irons for Twelve Hours; —— and for every like Offence shall suffer and pay in like Manner: —— and the Money so forfeited shall be applied to the Use of the Sick Soldiers of the Troop or Company to which the Offender belongs; —— or

3. WHO shall profane any Place dedicated to Divine Worship; —— or shall offer Violence to a Chaplain of the Army, or to any other Minister of God's Word, shall be liable to such Punishment as by a *General*, *District*, or *Garrison* Court-martial shall be awarded; —— or

4. WHO shall use any unlawful Oath or Execration, shall incur the Penalties expressed in the First Article; —— or

5. ANY Commissioned Chaplain who shall absent himself from his Duty (excepting in Case of Sickness or Leave of Absence) shall be brought to a Court-martial, and punished as, in their Judgment, the Circumstances of his Offence may require; —— or

6. WHO shall be guilty of Misconduct or vicious Behaviour, derogating from the sacred Character with which he is invested, shall, upon due Proof before a Court-martial, be discharged from his Office.

SECTION II.

Crimes and Punishments.

ANY Officer or Soldier who shall begin, excite, cause, or join in any Mutiny or Sedition in any of Our Land or Marine Forces, or in any Party, Post, Detachment, or Guard, on any Pretence whatever ; —— or who, being present at any Mutiny or Sedition, shall not use his utmost Endeavour to suppress the same ; —— or who, coming to the Knowledge of any Mutiny or intended Mutiny, shall not without Delay give Information thereof to his Commanding Officer ; —— or 7.

WHO shall desert from Our Service, (whether or not he shall re-enlist therein) ; —— 8.

SHALL suffer DEATH, or such other Punishment as by a *General* Court-martial shall be awarded.

ANY Officer or Soldier who shall hold Correspondence with or give Intelligence to the Enemy, directly or indirectly ; —— or relieve with Money, Victuals, or Ammunition, or knowingly harbour or protect an Enemy ; —— or 9.

WHO

10. WHO shall misbehave himself before the Enemy, or shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which it was his Duty to defend ; —— or shall compel, or speak Words, or use other Means to induce the Governor or Commanding Officer, or any other Person, to deliver up to the Enemy, or to abandon, any Garrison, Fortress, Post, or Guard ; —— or

11. WHO shall leave his Commanding Officer, or his Post or Colours, to go in Search of Plunder ; —— or

12. WHO shall strike a superior Officer, or draw or offer to draw or lift up any Weapon, or offer any violence against him, being in the execution of his Office ; —— or shall disobey his lawful Command ; —— or

13. WHO, being employed in Foreign Parts, shall do Violence to any Person bringing Provisions or other Necessaries to the Quarters of Our Forces ; —— or shall force a Safeguard ; —— or break into any House or Wine Cellar for Plunder ;—— or

14. WHO shall treacherously make known the Watchword to any Person not entitled to receive it according to the Rules and Discipline of War ; —— or

WHO

WHO shall, by discharging Fire Arms, drawing Swords, beating Drums, making Signals, or by any Means whatever, occasion false Alarms in Camp, Garrison, or Quarters ; —— or 15.

WHO shall cast away his Arms or Ammunition ; —— or 16.

WHO shall be found sleeping on his Post ; —— or shall leave it before regularly relieved ; —— 17.

SHALL suffer DEATH, or such other Punishment as by a *General* Court-martial shall be awarded.

ANY Officer or Soldier who shall presume to use traitorous or disrespectful Words against Our Royal Person, or any of our Royal Family ; —— or 18.

WHO shall advise or persuade any other Officer or Soldier to desert Our Service ; —— or who shall knowingly receive and entertain any Deserter from another Corps, and shall not immediately on Discovery give Notice to his Commanding Officer, or to the Secretary at War, or shall not cause such Deserter to be apprehended by the Civil Power ; —— or 19.

WHO shall be found drunk on any Duty under Arms ; —— or 20.

WHO,

21. WHO, being under Arrest, shall leave or escape from his Confinement before he is set at liberty by proper Authority; —— or

22. WHO shall presume to send any Flag of Truce to the Enemy without due Authority; —— or

23. WHO shall presume to give a Parole or Watchword different from what he received, without good and sufficient Cause; —— or

24. WHO shall, in Operations in the Field, spread false Reports by Words or Letters; —— or create unnecessary Alarm by spreading such Reports, either in the Vicinity or in Rear of the Army; —— or

25. WHO shall, in Action or previously to going into Action, use Words tending to create Alarm or Despondency; —— or

26. WHO shall, either verbally or in Writing, disclose the Numbers, Position, Magazines, or Preparations of the Army for Sieges or Movements, and by such mischievous Communications produce Effects injurious to the Army and Our Public Service; —— or

27. WHO shall leave the Ranks in order to secure Prisoners or Horses, or on Pretence of taking wounded Officers or Men

Men to the Rear, without Orders from his Superior Officer ; —— or

WHO shall leave his Guard, Picquet, or Party ; —— or shall be taken Prisoner by any Want of due Precaution, or by Disobedience of Orders ; —— or fall into the Enemy's Hands by passing through Outposts ; —— or 28.

WHO shall irregularly detain, seize, or appropriate to his own Corps or Detachment, Bread, Spirits, Forage, or any Supplies proceeding to the Army, contrary to the Orders issued thereon ; —— or 29.

WHO shall behave in a scandalous, infamous Manner, unbecoming the Character of an Officer and a Gentleman ;—— or, if a Soldier, be guilty of disgraceful and vicious Conduct ;—— or 30.

WHO, being in command of any of Our Garrisons, Forts, or Barracks, shall connive at the Exaction of exorbitant Prices for Houses or Stalls let to Suttlers ; —— or lay any Duty upon, or take any Fee or Advantage, or be in any way interested in the Sale of Provisions or Merchandize brought into Places under his Command ; —— or 31.

WHO shall presume to give, send, convey, or promote a Challenge to any other Officer to fight a Duel ; —— or shall 32.

upbraid

upbraid another for refusing a Challenge; —— or, if commanding a Guard, shall knowingly and willingly suffer any Person to go forth to fight a Duel ;—— or

33. WHO shall wilfully neglect or refuse to deliver over to the Civil Magistrate ; —— or to assist in the Apprehension of Officers, Non-Commissioned Officers, or Soldiers accused of Crimes punishable by Law ;—— or

34. WHO shall refuse to give Assistance to the Provost Marshal, or impede him in the Execution of his Duty ; —— or to any other Officer legally exercising Authority, and requiring his Aid ; —— or

35. WHO shall demand Billets for more than his Effective Men ; —— or quarter Wives and Children or Servants in Houses, without the Consent of the Occupiers ; —— or take Money for freeing from Billets ; —— or

36. Who shall protect from his Creditors any Person who does not actually do all Duties as a Soldier ; —— or

37. WHO shall embezzle or misapply Monies with which he may have been entrusted for any Military Purpose ;—— or who shall unlawfully sell, embezzle, misapply, or wilfully or negligently suffer to

to be spoiled, any Provisions, Forage, Arms, Clothing, Ammunition, or Military Stores:—

ANY Officer who shall knowingly make a false Return or Report to Us, to the Commander in Chief of Our Forces, to the Secretary at War, or to any his Superior Officer, authorized to call for such Return of the State of any Regiment, Troop or Company, Garrison or Corps, under his Command;—— or who shall, through Design or culpable Neglect, omit to make or send the same;—— or 38.

WHO shall make a false Muster of Man or Horse, or shall knowingly allow or sign any Muster Roll, Pay List, Certificate, or Return wherein such false Statement is contained, or any Duplicate thereof;—— or who shall intentionally allow to be given any untrue Documents, or conceal or omit the true Facts directed to be stated, whereby to excuse any Officer or Soldier from Muster or Duty, by withholding the Names of absent Persons, or the true Reasons and Time of Absence;—— or 39.

WHO shall, by any false Statement, Certificate, or Document, or Omission of the true Statement, attempt to obtain for any Officer or Soldier, or other Person whatsover, any Pension, Retirement, Half Pay, Gratuity, 40.

Gratuity, Sale of Commission, Exchange, Transfer, or Discharge;—— or

41. ANY Officer, Non-commissioned Officer, or Soldier, who shall be privy to the making of any false Entry, Alteration, or Erasure in any Account, Description Book, Attestation, Record, or Discharge, or other Document, whereby the real Services Causes of Discharge, or Disability, Wounds. Conduct, or Sentences of Courts-martial of any Person whatsoever shall not be truly given, or who shall wilfully omit to report or record any other Facts relating thereto, which it was his duty to have done in conformity with Our Regulations;—— or

42. WHO shall intentionally give in any false Return or Report or Statement whatsoever of Arms, Ammunition, Clothing, Stores, or any Provisions belonging to Us, or for the Use of Our Forces;—— or who shall, by any false Document, be concerned in or connive at any fraudulent Embezzlement of the Stores aforesaid, or who shall, by producing any false Certificates or Vouchers or Accounts, or in any other Way, misapply the Public Money, for Purposes other than those for which it was intended;—— or

43. WHO shall, by any Concealment or wilful Omission, attempt to evade the true Spirit and Meaning of Our Orders and Regu-

Regulations relating to the foregoing Points;——

SHALL, if a *Commissioned Officer,* for each and every one of the aforesaid Offences, on Conviction thereof before a *General* Court martial, be CASHIERED;——

AND if a *Non-commissioned Officer* or *Soldier,* he shall, on Proof thereof before a *General, District,* or *Garrison* Court-martial, be LIABLE to TRANSPORTATION,—or to General Service,—or to Corporal Punishment,—and to Forfeiture of all Claim to Pension on Discharge,—and of all additional Pay whilst serving, —— in addition to any other Punishment which shall accord with the Mutiny Act.

ANY Officer or Soldier who shall behave himself with Contempt or Disrespect towards the General or other Commander in Chief of Our Forces, or shall speak Words tending to his Hurt or Dishonour;—— or 44.

ANY Commanding or other Officer who shall neglect or omit to send any Returns, Reports, Certificates, or other Documents required by the Commander in Chief or Secretary at War;—— or 45.

WHO shall have signed Certificates, Returns, or Forms of Accounts in Blank, before 46.

before the Paymaster, Quarter Master, or other Person concerned in making up the said Accounts, has inserted therein the whole of the Circumstances for which the Officer's Signature is to be a Voucher; —— or

47. ANY Officer, Non-commissioned Officer, or Soldier, who shall not take care that his own Quarters and Billets, and those of all Soldiers under his Command, be cleared, and the Accounts regularly settled every Four Days;—— or

48. WHO, when in Command of a Guard, Picquet, or Patrole, shall presume, without proper Authority, to release any Prisoner committed to his Charge, or shall suffer him to escape;—— or

49. WHO shall not, within *Twenty-four Hours* after the Commitment of any Prisoner, or as soon as he shall be relieved from his Guard or Duty, give in Writing the Prisoner's Name and Crime, and the Name and Rank of the Officer or other Person who committed him, to the Officer Commanding the Garrison or Regiment to whom he may be ordered to report;—— or

50. WHO shall neglect to obey any Garrison or other Orders whilst on Duty; —— or

51. WHO shall unnecessarily detain any Prisoner in Confinement, without bringing him to Trial;—— or

ANY

ANY Soldier who shall hire, or any Officer or Non-commissioned Officer who shall connive at a Soldier hiring another Person to do his Duty for him; —— or 52.

ANY Officer or Soldier who shall fail to appear at the Place of Parade or Rendezvous appointed by his Commanding Officer, or shall go from thence without Leave before he shall be relieved; —— or who shall, without urgent Necessity, quit his Platoon or Division; —— or 53.

WHO, in the United Kingdom or British Isles, shall, by discharging Fire Arms, drawing Swords, beating Drums, or by any other Means whatever, occasion false Alarms in Camp, Garrison, or Quarters; —— or 54.

WHO, being concerned in any Fray, shall refuse to obey any other Officer (though of inferior Rank) who shall order him into Arrest; —— or shall draw his Sword upon such Officer; —— or 55.

WHO shall lie out of his Quarters, Garrison, or Camp, without Leave from his Superior Officer; —— or 56.

ANY Non-commissioned Officer or Soldier, who shall be found One Mile from the Camp, without Leave in Writing from his Commanding Officer; —— or 57.

ANY

58. ANY Officer Commanding, who shall refuse or neglect (after Proof of the Justice of the Complaint) to cause Reparation to be made, by any Officers or Soldiers complained of, for Ill-treatment of Landlords by Violence, Extortion, or making Disturbances in Billets, to the Extent of Half the Offenders Pay, such Commanding Officer shall be deemed equally culpable as the Offenders themselves ;—— or

59. ANY Officer, Non-Commissioned Officer, or Soldier, who shall permit Carriages pressed for Baggage to be overloaded, or shall permit the Persons attending them to be ill-treated, or to be forced to take upon their Carriages (except on Emergencies as provided for by Law) any Women, or any Soldiers, other than the sick and lame ;—— or who shall refuse to certify the Sums due for Carriages, and the Name of the Corps employing them ; —— or

60. ANY Non-commissioned Officer or Soldier, who shall sell, lose, or spoil his Arms, Accoutrements, or Necessaries ;—— or sell, lose, or ill-treat his Horse ;—— or

61. ANY Officer or Soldier who shall commit any Waste or Spoil, either in Walks of Trees, Parks, Warrens, Fishponds, Houses, or Gardens, Vineyards, Olive Groves,

Groves, Corn Fields, Enclosures, or Meadows ;—— or shall maliciously destroy any Property ; —— whether belonging to Our own Subjects, or to Inhabitants of other Countries ; —— unless by Order of the Commander in Chief of Our Forces, to annoy Rebels or other Enemies in Arms against Us ; —— or

ANY Officer or Non-commissioned Officer who shall strike or otherwise ill-treat any Soldier ; —— or 62.

ANY Non-commissioned Officer or Soldier, who shall make a vexatious and groundless Appeal from the Sentence of a *District, Garrison,* or *Regimental* Court-martial ; —— 63.

SHALL, if a *Commissioned Officer,* on Conviction of any of the aforesaid Offences, be LIABLE to be CASHIERED ; —— or suffer such other Punishment, according to the Nature and Degree of the Offence, as by the Judgment of a *General* Court-martial may be awarded ; —— and if a *Non-commissioned Officer* or *Soldier* shall, on Conviction of any of the aforesaid Offences, be punished according to the Nature and Degree of the Offence by a *General, District, Garrison,* or *Regimental* Court-martial.

NO *Commissioned Officer* shall be CASHIERED or dismissed from our Service 64.

vice

vice excepting by an Order from Us;——or by the Sentence of a *General* Court-martial approved by Us;—— or by some Person having Authority from Us under Our Sign Manual.

65. NO *Soldier* shall be discharged in any Case, unless by Order of Our Commander in Chief, certified by the Adjutant General's Department at Head Quarters; —— or by Authority direct from Us.

66. A *Non-commissioned Officer* may be reduced to the Ranks by the Sentence of a *Regimental* Court-martial; —— or by the Order of the Colonel of the Regiment.

67. AND all Crimes not Capital, —— and all Disorders and Neglects, — which Officers and Soldiers may be guilty of, to the Prejudice of good Order and Military Discipline, — though not specified in the foregoing Cases, or in our Articles of War, —— shall be taken Cognizance of by Courts-martial, according to the Nature and Degree of the Offence.

SECTION III.

Courts-martial.

A *General* Court-martial in Our United Kingdom, or elsewhere in Our Dominions (*Bermuda, Africa,* and *New South Wales* excepted), or in the settlements of the *East India* Company, shall, in order to have Power to try a Commissioned Officer, or to pass Sentence of *Death* or *Transportation* on any Offender, consist of not less than *Thirteen* Commissioned Officers, in which Sentence of Death *Nine* at the least of the Officers of any Court consisting of *Thirteen* shall concur; —— and, if to try any Person not of the Rank of a Commissioned Officer, shall consist of not less than *Nine*; —— and such *General* Courts-martial convened in *Bermuda*, or out of Our Dominions, excepting *Africa* and *New South Wales*, shall have not less than *Seven*, and in *Africa* and *New South Wales* not less than *Five* Commissioned Officers; —— and in all Cases where such *General* Courts-martial as aforesaid shall consist of more or fewer Officers than *Thirteen*, no Judgment of *Death* shall pass without the Concurrence of *Two Thirds* at the least of the Officers present; —— and the President shall in no Case be the Officer Commanding in Chief, or Governor of the Garrison where the Offender shall be 68.

be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain; —— and no Field Officer shall be tried by any Person under the Degree of Captain.

69. NO Sentence of a *General* Court-martial shall be put in execution till after a Report shall have been made of the whole Proceedings to Us; —— or to the Officer Commanding in Chief; —— or some other Person duly authorized by Us, under Our Sign Manual, to confirm the same, and until Our or his Directions shall have been signified thereupon.

70. A *District* or *Garrison* Court-martial shall consist of not less than *Nine* Commissioned Officers, —— and may sentence any *Non-commissioned Officer* or *Soldier to be punished* ——

By Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which such Court may appoint; ——

By Corporal Punishment (not extending to Life or Limb); ——

By Forfeiture of all Advantage as to additional Pay, or to Pension on Discharge; ——

In addition to any other Punishment; —— *for the following Crimes;* ——

De-

Desertion ; ——

Disgraceful Conduct ; ——

Purloining or selling Government Stores ; ——

Stealing from a Comrade or from a Military Officer ;——

Producing false or fraudulent Accounts or Returns, whereby increased Expence has been or would be brought upon the Public ; ——

Embezzlement or Misapplication of Money entrusted to him ; ——

And such *Non-commissioned Officer* or *Soldier* may further be put under Stoppages till his Defalcation be made good ; ——
and if convicted of disgraceful Conduct, he having been Once previously convicted of the like Offence, the said Court-martial may, in addition to the foregoing Punishments, recommend such Offender to be discharged with Ignominy, as unfit for Our Service from Vice or Misconduct ; ——

AND such *District* or *Garrsion* Court-martial may deprive a *Non-commissioned Officer* or *Soldier* of the Allowance in lieu of Beer, or of additional Pay, for any Period not exceeding *Two* Years, for habitual Drunkenness, —— provided that

in

in all the foregoing Cases, the Sentences shall be confirmed by the General Officer, Governor, or Senior Officer in Command of the District, Garrison, Island, or Colony: —— but in Cases of Mutiny, the Sentence may be confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops; —— and the President of every Court-martial, other than a *General* Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial: —— but such Court-martial shall not have Power to pass Sentence of Death or Transportation.

71. ANY Officer Commanding any distinct Detachment or Portion of Our Troops, which may at any Time be serving out of Our Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries by any Person serving with or belonging to Our Armies, under his immediate Command, may assemble a Court-martial of not less than *Three* Officers of any Corps to try any such Person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts-martial; —— and such Court-martial shall have the same Powers

as *General* Courts-martial;—— but no Sentence of any such Court shall be executed until the General Commanding in Chief the Army of which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged shall belong, shall have approved and confirmed the same.

THE Commissioned Officers of every Regiment may by the Appointment of their Colonel or Commanding Officer, without other Authority than these Our Rules and Articles of War, hold *Regimental* Courts-martial consisting of not less than *Five* Officers (unless it be found impracticable to assemble that Number, when *Three* may be sufficient);—— and may enquire into such Disputes or Criminal Matters as may come before them, and by a Majority of Votes award Punishments for small Offences, and inflict Corporal Punishment according to the graver Character and Degree of the Crime, provided that no Offender shall be liable to be sentenced to more than *Three hundred* Lashes;—— but no Sentence shall be executed until the Commanding Officer (who is in no Case to be a Member of the Court-martial) or the Governor of the Garrison shall have confirmed the same. 72.

WHERE

73. WHERE it may be necessary or expedient, the Officers of our Marine Forces may sit upon Courts-martial in conjunction with Officers of Our Land Forces, and such Courts-martial shall be regulated, to all Intents and Purposes, in like Manner as if they were composed of Officers of Our Land Forces only;—— and Officers of Our Land Forces, and Officers in the Service of the *East India* Company, when serving together, may be associated in Courts-martial, which shall to all Intents and Purposes be regulated in like Manner as if consisting wholly of Officers of Our Land Forces, or wholly of Officers in the Service of the *East India* Company, except that on the Trial of any Person in Our Service, the Provisions of the Mutiny Act, and the Oaths thereby prescribed, and Our Articles of War for the Government of all Our Forces, shall be applicable;—— and on the Trial of any Officer or Soldier in the Service of the *East India* Company, the Provisions of an Act passed in the Fourth Year of Our Reign, to amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer in the actual Service of the said Company may have a Commission from Us.

A *District*

A *District* or *Garrison* Court-martial may be composed of any *Nine* Officers of different Corps, and of Officers of the Royal Artillery, and Engineers, and Royal Marines, and of Officers of the General Staff, whose Appointments have been duly notified in General or Garrison Orders, provided such Officers are in the Receipt of their Full Pay on the Staff, and are themselves amenable to Military Law, although on the Half Pay of their Regimental Rank; —— or such Court-martial may be entirely composed of *Nine* Officers of the same Regiment, assembled by Order of the Senior Officer on the Spot, provided that such Court be assembled in conformity with the Orders of the Officer under whose Command the Corps is placed, who will previously regulate the holding of Courts-martial within his Command, as he may deem to be most expedient, or as Our Commander of the Forces may direct. 74.

IN all Trials by *General* or by *District* or *Garrison* Courts-martial, the Judge Advocate, or Person officiating as such, shall administer to each Member the following Oath; —— and in Trials by *Regimental* Courts-martial, the same Oath shall be administered by the President to the other Members; —— and afterwards by any sworn Member to the President: 75.

YOU

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I A. B do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of His Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection; and if any Doubt shall arise, which is not explained by the said Articles or Act, then according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I do further swear, that I will not divulge the Sentence of the Court until it shall be duly approved; neither will I upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof, as a Witness, by a Court of Justice, or a Court-martial, in a due Course of Law. So help me GOD.

AND as soon as the said Oath shall have been administered to the respective Members, the President of the Court shall administer to the Judge Advocate, or Person officiating as such, an Oath in the following Words:

I A. B.

I A. B. do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof, as a Witness, by a Court of Justice, or a Court-martial, in a due Course of Law.

So help me GOD.

ALL Persons who give Evidence before any Court-martial are to be examined upon Oath. 76.

NO Proceedings or Trials shall be carried on except between the Hours of *Eight* in the Morning and *Four* in the Afternoon, except in Cases which require an immediate example ;——and except in the *East Indies*, where such Proceedings may be held between the Hours of *Six* in the Morning and *Four* in the Afternoon. 77.

NO Person shall use menacing Words, Signs, or Gestures in Presence of a Court-martial ;——or shall cause any Disorder or Riot, so as to disturb their Proceedings, under the Penalty of being punished at the Discretion of the said Court. 78.

ALL the Members of a Court-martial are to behave with Decency ;——to take their Seats according to Rank, and not quit them without Permission of the President ;——who will clear the Court on any Discussion ;——and in case of intemperate 79.

temperate Words used by any Member of the Court, direct the same to be taken down in Writing, and reported to the Officer ordering the Court-martial to assemble; ——no reproachful Words are to be used to Witnesses or Prisoners;——and the President is hereby held responsible that every Person attending such Court be treated with proper Respect;——and in taking the Votes of the Court, the President shall begin by that of the youngest Member.

80. No Commissioned Officer sentenced to Punishment by a *General* Court-martial shall be suspended from doing Duty or from Pay;——but it shall be lawful for the Court, in addition to any Reprimand or Punishment which it may award, to sentence the Prisoner to Loss of Army or Regimental Rank, by Degradation;—— if under the Rank and Degree of a Field Officer, to the Bottom of or any other Place on the List of the Regimental Rank in which he may be serving;——or if a Superior Officer, to the last or any other Place on the List of the Army Rank in which he may be serving;——and in all Cases of the Officer so degraded holding Army as well as Regimental Rank, the Degradation may be inflicted in either or both of those Ranks:—— Provided that this Article, as to not suspending from Duty or Pay, shall not be construed to prevent

prevent a *General* Court-martial from adjudging any Commissioned Officer to be imprisoned, in any Case in which the Court shall be authorised by Law, and shall deem it necessary, to adjudge such Punishment.

IT is Our Will and Pleasure that *General* Courts-martial upon Officers and Soldiers of Our Regiments of Life Guards or Horse Guards, for Differences arising purely among themselves, or for Crimes relating to Discipline or Breach of Orders, shall be composed of Officers serving in any or all of those Corps (as they may be most conveniently assembled), and they are to take rank according to their Commissions. 81.

IN like Manner also, the Officers of Our Three Regiments of Foot Guards shall, for similar Purposes, of themselves compose Courts-martial, and take Rank according to their Commissions; —— but all Courts-martial arising out of Disputes between Our Life Guards or Horse Guards and Our Foot Guards, or between either of those Corps of Guards, and any of Our other Forces, or different Corps of Our other Forces, shall be equallly Composed of Officers belonging to the Corps in which the Parties complaining and complained of do then serve; ——and the President shall be taken by Turns as nearly 82.

as

as Our Service will with Convenience admit, beginning first by an Officer of one of Our Regiments of Life Guards, and so on in course out of the other Corps, according to the seniority in Rank of such Corps respectively.

83. WHEN any Proportion of Our Regiments of Life Guards, Horse Guards, or Foot Guards, shall be serving on detached Duty, they shall be tried by Courts-martial to be assembled by any Governor or Commander of a District, Garrison, Fort, Castle, or Barrack, and to be composed of Officers of different Corps, provided that no less than a Moiety of the Officers shall belong to Our Life Guards, Horse Guards, or Foot Guards respectively, if so many are on the same duty, or can be conveniently assembled.

84. THE Officers of Artillery shall, for Differences arising amongst themselves, or in Matters relating solely to their own Corps, have Courts-martial composed of their own Officers; —— but where a sufficient Number of such Officers cannot be assembled, or in Matters wherein other Corps are interested, they shall sit in Courts-martial with the Officers of Our other Corps, taking Rank according to their Commissions.

85. No Officer serving in the Militia shall sit in any Court-martial upon the Trial

Trial of any Officer or Soldier serving in any of Our other Forces; —— nor shall any Officer in Our other Forces sit in any Court-martial upon the Trial of any Officer or Soldier serving in the Militia.

A WARRANT Officer may be tried by a *District* Court-martial, to be appointed by the General Officer Commanding Our Forces in the District where the Corps shall be situated, if in the United Kingdom, and if in any of Our Dominions Abroad, by the General Commanding in Chief on the Station; —— and such Court-martial shall not in any Case consist of less than *Five* Commissioned Officers, of whom not more than *Two* shall be taken from the Regiment in which the Warrant Officer to be tried is serving; —— and the President shall not be under the Degree of a Field Officer, nor shall more than *Two* of the other Members be under the Degree of a Captain; —— and the Sentence shall not be put in execution without Our Confirmation thereof, if the Trial shall take place at Home, nor if the Trial take place in any of Our Dominions Abroad, without the Confirmation of the General on the Station, who may also suspend, mitigate, or remit the same; —— and no Court-martial shall sentence a Warrant Officer to Corporal Punishment, nor shall he be reduced to serve in an inferior Situation, 86.

unless

unless he was originally enlisted as a Private Soldier, and continued in the Service until his Appointment to be a Warrant Officer.

87. NO *Regimental* Court-martial shall try any Deserter under the Term of Absence without Leave, if the Absence has exceeded *Twenty-one Days* ;——but such Offender shall be tried by a *General* or *District* or *Garrison* Court-martial, and in Cases of an aggravated Nature the Prisoner shall be tried for Desertion without Reference to the Number of Days of such Absence.

88. A DESERTER from Our Service who shall re-enlist therein, although of Right belonging to the Corps in which he first enlisted, may be tried by a Court-martial in the Corps in which he may be actually serving, as well for Desertion as for other Offences committed by him whilst in such other Corps ; —— and Evidence of Desertion from any other Corps may be received by a Court-martial trying a Deserter, in considering of their Sentence only, and should therefore not be admitted until after the Court shall have decided upon the Guilt of the Prisoner, nor unless it shall be proved that he has had Notice that such Evidence will be given.

IN like Manner the Evidence of any former Convictions of a Prisoner shall only be

be received after he shall have been found guilty, and for the Purpose of affixing Punishment.

IF any Soldier shall have been illegally absent from his Duty for the Space of *Two Months*, and has not been apprehended or surrendered, a Regimental Court of Enquiry of *Three* Officers shall assemble; ——-and, having received Proof of the Fact, declare such Absence and the Period thereof, and the Officer commanding the Corps shall record such Absence, and the Declaration of such Court of Enquiry thereon, in the Regimental Books;——if such Soldier should subsequently be apprehended or surrender, he shall be tried by a Court-martial empowered to try Desertion; ———and the Sentence of any such Court shall be inserted in the Soldier's Discharge; ———Provided that in case he should have subsequently served and performed good, faithful, or gallant services in Our Army, he may, on the same being duly certified by Our Commander in Chief, be eligible to be restored to the Claim for Pension;——and should the Recommendation be approved by Us, Our Order for the Restoration will be signified through the Secretary at War as if the same had not been forfeited. 89.

ANY Soldier convicted of habitual Drunkenness, and sentenced to lose his Allow- 90.

Allowance for Beer Money, and additional Pay, for a Period not exceeding *Two Years*, may be recommended for Restoration to such Allowance on subsequent good Conduct, not sooner than *Six Months* after Forfeiture ;——provided the General Officer or other superior Officer in Command of the District or Garrison approve of the same ;——such Restoration in all Cases being dated from the Twenty-fifth of the Month.

91. NO Commanding Officer shall, by giving in against a Prisoner vague and indefinite Charges, try before a *Regimental* Court-martial grave Offences, which are directed to be tried by *General, District*, or *Garrison* Courts-martial ;——and Our General and inspecting Officers are hereby required to Pay special attention to this our Order in their Half-yearly Examinations of the Court-martial Books and other Documents.

92. FOR the prompt and instant Repression of all Irregularities and Crimes Abroad which may be committed by Troops in the Field and on the Line of March, Provost Marshals shall be appointed by Us, or by Our Commander of the Forces, or General Commanding, and their Power, shall be regulated according to the established Usages of War and Rules of the Service ;

Service; —— their Duties are to take Charge of Prisoners confined for Offences of a general Description; ——to preserve good Order and Discipline; ——to prevent Breaches of both, by Soldiers and Followers of the Army, and to punish on the Spot, or the same Day, those whom they may find in the immediate Act of committing Breaches of good Order and Military Discipline; ——Provided that the Punishment be limited to the Necessity of the Case, and shall accord with the Orders which the Provosts may from Time to Time receive from Our Commander of the Forces in the Field, and that whatever may be the Crime, the Provost Marshal shall see the Offender commit the Act, for which summary Punishment may be inflicted, or if the Provost Marshal or his Assistants should not see the Offender actually commit the Crime, but that sufficient Proof can be established of the Offender's Guilt, a Report shall be made to the Commander of Our Army in the Field, who is hereby empowered to deal with the Case as he may deem most conducive to the Maintenance of good Order and Military Discipline. ——The Duties of Provosts Marshal being limited to the Punishment of Offenders whom they may detect in the actual Commission of any Crime, the General commanding Our Forces in the Field will cause them to exercise the Powers entrusted to them in such Manner and under such

Circum-

Circumstances as he may consider best calculated to prevent and instantly to repress Crimes injurious to the Discipline of our Army and the Public Service.

93. ANY Officer or Soldier accused of any Capital or other Crime punishable by the known Laws of the Land, but who may be serving in our Garrison of *Gibraltar*, or in any of the Territories of the *East India* Company, at a Distance of upwards of One Hundred and Twenty Miles from either of the Presidencies of *Fort William*, *Fort St. George*, and *Bombay*, (excepting *Prince of Wales's Island*,) or in any Place beyond Seas, where there is no Form of Our Civil Judicature in force;——shall be tried by a *General* Court-martial appointed by the Governor or Officer Commanding in Chief for the Time being;——and if found guilty, shall suffer DEATH, or such other Punishment as by the Sentence of such *General* Court-martial may be awarded.

SECTION IV.

Miscellaneous Duties and Obligations.

EVERY Commanding Officer shall keep good Order, and to the utmost of his Power redress all Disorders committed by any Officer or Soldier under his Command;——and all Officers, Non-commissioned Officers, and Soldiers are to behave themselves orderly in Quarters and on their March, and are not to quit their Camp or Quarters, or to fail at Parade. 94.

NO Officer, Non-commissioned Officer, or Soldier shall use any reproachful or provoking speeches or Gestures to another, upon Pain (if an Officer) of being put in Arrest;——or (if a Non-commissioned Officer or a Soldier) of being confined, and of making to the Party offended, in the Presence of his Commanding Officer, such Apology or Acknowledgment as shall be considered satisfactory and sufficient to such Commanding Officer. 95.

WE hereby acquit Officers and Soldiers of any Disgrace, or Opinion of Disadvantage, which might arise from their having refused to accept of Challenges, as they will only have acted in Obedience to Our Orders, and have done their Duty as good Soldiers, who subject themselves to Discipline. 96.

ALL

97. ALL Officers, of what Condition soever, have Power to quell all Quarrels, Frays, and Disorders, though the Persons concerned should belong to another Corps, and either to order Officers into Arrest, or Non-commissioned Officers or Soldiers into Confinement, until their proper Superior Officers shall be acquainted therewith ; —— and whoever shall refuse to obey such Officer, (though of an inferior Rank,) or shall draw his Sword upon him, shall be punished.

98. WHENEVER any Officer or Soldier shall commit a Crime deserving Punishment, he shall, by his Commanding Officer, be put in Arrest, if an Officer, or if a Non-commissioned Officer or Soldier, be confined until he shall be either tried by a Court-martial, or shall be lawfully discharged by a proper Authority ; —— and no Officer or Soldier, who shall be put in Arrest or Confinement, shall continue in his Confinement more than *Eight Days*, or until such Time as a Court-martial can be conveniently assembled.

99. NO Officer commanding a Guard, or Provost Marshal, shall refuse to receive or keep any Prisoner committed to his Charge by any Officer belonging to Our Forces ; —— which Officer shall, at the same Time, deliver an account in Writing, signed by himself, of the Crime with which the said Prisoner is charged.

WHEN-

WHENEVER any Officer or Soldier shall be accused of a Capital Crime, or of Violence, or any Offence against the Persons or Property of Our Subjects, punishable by the known Laws of the Land, the Commanding Officer and Officers of his Corps are, upon Application duly made in behalf of the Party injured, to use their utmost Endeavours to deliver over such accused Person to the Civil Magistrate; —— and assist the Officers of Justice in apprehending and securing him. 100.

NO Officer shall protect any Person from his Creditors on the Pretence of his being a Soldier, nor shall he protect any Soldier not actually doing Duty as such, and no farther than is allowed by the Mutiny Act. 101.

THE Commanding Officer of every Corps ordered to March is to apply to the proper Magistrates for the necessary Carriages;—— and to pay for them as directed by the Mutiny Act. 102.

EVERY Officer commanding any Corps shall take care that his own Quarters, as also the Quarters of every Officer and Soldier under his Command, be regularly cleared at the End of every *Four Days*, or before the Troops shall quit their Quarters, if they do not remain so long as *Four Days*. 103.

THE

104. THE Commanding Officer of every Corps shall, upon its first coming to any Place where they are to remain in Quarters, cause public Proclamation to be made, that if the Landlords or other Inhabitants suffer the Soldiers to contract Debts beyond what their daily Subsistence will answer, such Debts will not be discharged ;—— the said Commanding Officer refusing or neglecting so to do shall be suspended for *Three Months*, during which Time his whole Pay shall be applied to the discharging of such Debts as shall have been contracted by the Non-commissioned Officers or Soldiers under his Command, beyond the Amount of their daily Subsistence, if there be any Overplus remaining it may be returned to him : —— if after public Proclamation made as above directed, the Inhabitants shall notwithstanding suffer the Soldiers to contract Debts beyond what their daily Subsistence will answer, it will be at their own Peril, the Officers not being obliged to discharge such Debts.

105. EVERY Recruit shall, within *Four Days* after enlisting in Our Service, have the *First and Second* Articles of the *Second* Section of these Articles read to him ; —— and shall, within *Four Days*, but not sooner than *Twenty-four Hours*, go with some Officer, Non-commissioned Officer,

Officer, or Soldier belonging to the Party with whom he shall have enlisted;—— if at Home, before some Justice, not being an Officer in the Army;—— if Abroad, where Recourse cannot be had to the Civil Magistrate, before the Judge Advocate or Person duly authorized by Us, and in his Presence take the following Oath:

I SWEAR That I will be faithful and bear true Allegiance to His Majesty, His Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend His Majesty, His Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of His Majesty, His Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Which Justice or Magistrate is to give the Officer a Certificate, signifying that the Man enlisted did take the said Oath, and that the Articles of War were read to him.

SOLDIERS, having been duly enlisted and sworn, shall not be dismissed Our Service without a Discharge, granted according to the General Order on that Head, which shall be in force at the time of granting the Discharge. 106.

REGIMENTAL Pay shall not be issued to any Officer who shall absent himself without Leave, or shall overstay the Period for which Leave of Absence may 107.

may have been granted him;—— or who shall not on Promotion;—— Exchange;—— or Removal to another Regiment;—— or on Appointment from the Half to the Full Pay;—— join, within *Two Months*, the Corps to which he may have been so appointed;—— or who shall not, on his first Appointment in the Army, join as directed in Orders from the Adjutant General;—— unless a satisfactory Explanation shall have been given through his Colonel or Commanding Officer, and shall have been notified by the Adjutant General to the Secretary at War.

108. COMMANDING Officers of Regiments in *Great Britain* and *Ireland* are authorized to grant Furloughs to Soldiers, subject to the Controul of the General Officers under whose Command the Regiments may be serving;—— but these Indulgences are not to be granted during the Seasons for Reviews, Field Exercise, and Inspections; —— *viz.* between the Tenth Day of March and Twenty-fifth Day of October in each Year;—— except under peculiar and urgent Circumstances;—— Number of Soldiers to whom Furloughs may be granted, between the Twenty-fifth Day of October and Tenth Day of March following, is to be regulated according to the General Order which may be issued on that Head;—— and when any Soldier on Furlough

Furlough shall be detained by Sickness or other Casualty beyond the Time therein limited, any Military Officer, not below the Rank of Captain, or any Adjutant of Regular Militia, or when there is not any such Officer within a convenient Distance, then any Justice may grant an Extension of such Furlough for a Period not exceeding *One Month*, notifying the same to the Commanding Officer of the Corps to which the Man belongs, or to the Agent of the Regiment.

EVERY Captain is charged with the Arms, Accoutrements, Ammunition, Clothing, or other Warlike Stores belonging to the Troop or Company under his Command, for which he is to be accountable to his Colonel in case of their being lost, spoiled, or damaged, not by unavoidable Accident or on actual Service. 109.

ALL public Stores taken from the Enemy, whether of Artillery, Ammunition, Clothing, Forage, or Provisions, shall be secured for Our Service, and the Officers Commanding in Chief are to be answerable to Us for any Neglect in this respect. 110.

NO Suttler shall be permitted to sell any Kind of Liquors or Victuals, or to keep their Houses or Shops open for the Entertainment of Soldiers, after *Nine* at Night, or before the Beating of the Reveilles; —— or upon Sundays during 111.

Divine

Divine Service or Sermon ; —— on the Penalty of being dismissed from all future Suttling ; —— but all Officers, Non-Commissioned Officers, Soldiers, and Suttlers shall have full Liberty to bring into any of Our Forts or Garrisons any Quantity or Species of Provisions, eatable or drinkable, except where any Contracts are entered into by Us, or by Our Order, for furnishing such Provisions ; —— (this Exception extends only to the Species of Provisions so contracted for ;) —— and all Officers commanding in Our Forts, Barracks, or Garrisons, are required to see that the Persons permitted to suttle, supply the Soldiers with good and wholesome Provisions, at the Market Price, as they shall be answerable to Us for their Neglect.

112. IF an Officer shall think himself wronged by his Colonel, or the Commanding Officer of the Regiment, and shall, upon due Application made to him, not receive the Redress to which he may consider himself to be entitled ; —— he may complain to the General Commanding in Chief of Our Forces, in order to obtain Justice ; —— who is hereby required to examine into such Complaint ; —— and either by himself, or by Our Secretary at War, to make his Report to Us thereupon, in order to receive Our further Directions ; —— and if an inferior Officer, Non-commissioned Officer,

or

or Soldier, shall think himself wronged by his Captain, or other Officer commanding the Troop or Company to which he belongs, he is to complain thereof to the Commanding Officer of the Regiment, who is hereby required to summon a *Regimental* Court-martial, for the doing Justice to the Complainant; —— from which *Regimental* Court-martial either Party may, if he thinks himself still aggrieved, appeal to a *General* Court-martial.

SECTION V.

Returns and Accounts.

THE Commanding Officer of every Corps, at Home and Abroad, shall, on the Twenty-fifth of every Month, transmit to the Commander in Chief of Our Forces, and to Our Secretary at War, an exact Return of the State of such Corps, specifying the Names of the Officers absent, and the Reason for and Time of their Absence. 113.

RETURNS shall be made in like Manner, of the State of our Forces in *Ireland*, to the Lord Lieutenant or Chief Governors thereof, and to the General Officer there commanding; —— and of Our Forces in *Scotland*, to the Officer there commanding. 114.

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115. EXACT Returns of the State of Our Garrisons and Corps stationed Abroad shall be transmitted by their respective Governors or Commanders there residing, by all convenient Opportunities, to Our Commander in Chief and Secretary at War.

116. MUSTERS shall be taken of Our Regiments of Life Guards, Horse Guards, and Foot Guards, Twice at least in every Year, at such Times as shall be appointed, and agreeably to the Forms heretofore used; —— and the Musters of every other Corps in our Service shall be taken according to such Regulations as We may think fit to establish in relation thereto.

117. ALL Commissions granted by Us, or by any of Our Generals having Authority from Us, shall be entered in the Books of Our Secretary at War, otherwise they will not be allowed of at the Musters.

118. WHEN any Commissioned Officer shall die in our Service, the Major of the Regiment, or the Officer doing the Major's Duty in his Absence, shall immediately secure all his Effects then in Camp or Quarters; —— and shall within *One Month* after the Death of the Officer, with the Assistance of *Two* other Officers not under the Rank of Captain, to be appointed by the Commanding Officer of the Regiment, make

make an Inventory thereof, and after Payment of Regimental Debts and Quarters, place the Balance in the Hands of the Paymaster, to be by him paid to the Heir or legal Representative, if present, at Head Quarters ;——and a Report thereof with a Copy of the Inventory sent to the Secretary at War ; —— but if there be no Heir present then to transmit the Inventory, together with an Account of the Debts and Credits, to the War Office ;—— and deduct the Balance in the next Regimental Pay List ; —— (or if the Regiment be in *India*, transmit the Balance to the Regimental Agent ;) —— in order to its being paid over to the legal Representative, under the Direction of Our Secretary at War.

AN Account of the Effects of a deceased Soldier is in like Manner to be taken by the Officer commanding the Troop or Company to which the Man belonged, in Presence of *Two* other Commissioned Officers, and precisely similar Proceedings to be adopted as those directed in the preceding Article. 119.

THE Effects and Credits of Deserters shall be applied in like Manner, in Payment of their Regimental Debts, and the Remainder shall be brought to the Credit of the Public. 120.

THE Accounts of Our Forces shall be made up and transmitted according to such 121.

such Regulations as we may think fit to establish in relation thereto.

122. EVERY Non-Commissioned Officer, Trumpeter, Drummer, Fifer, and Private Man of Our Forces shall be provided with a Book, calculated to shew his Services, Age, Date of Enlistment, in conformity with Our Regulations on this Head, and the actual State of his Accounts ; —— and every Commanding Officer shall state, upon the Monthly Return of the Regiment under his Command, whether his Men are in Possession of the said Books, and whether the Orders on this Head are properly attended to.

SECTION VI.

Rank.

123. ALL Officers (doing Duty with their Regiments only) shall take Rank according to the Dates of their Commissions in such Regiments ;——but when serving together with Officers of other Corps, each shall take Rank according to their Brevets, or Dates of any former Commission.

124. WHEN Our Regiments of Life Guards and Horse Guards shall do Duty together, the eldest Officer by Commission shall command the whole, Regard being always

always had to the Respective Ranks of those Corps, and the Posts they usually occupy ;——and if any of Our Life Guards, Horse Guards, or Foot Guards shall be serving with any of Our other Troops, the eldest Officer, without respect to Corps, shall take upon him the Command of the whole.

WHENEVER Our Regiments of Life Guards, or Detachments from the same, shall do Duty together, unmixed with other Corps, they are to be considered as One Corps, and the Officers are to take Rank and do Duty according to the Dates of their Commissions. 125.

AND when our Regiments of Foot Guards, or Detachments from Our said Regiments, shall do Duty together, unmixed with other Corps, they shall be considered as One Corps, and the Officers shall take Rank and do Duty according to the Commissions by which they are mustered. 126.

OFFICERS of Our Regular Forces with whom the Officers of Our Militia Forces take Rank, by a special Provision made by Parliament in that Behalf, as the youngest of their Degree, shall have Precedence of and command the Officers of equal Degree serving in Our Fencible Forces, Our Yeomanry Cavalry, and Volun- 127.

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teer Corps ;——and the Officers of Our Fencible Forces, Militia, Corps of Yeomanry Cavalry, and Volunteer Corps, shall rank together, according to the Dates of their respective Commissions.

128. ALL Colonels serving by Commissions signed by Us or by Our General commanding in Chief in *North America,* when employed in any Duty in conjunction with General Officers or Colonels serving by Commissions from any of Our Civil Authorities in the Country ; —— shall have Precedence of such Officers, although the Commissions be of elder Date ;——and in like Manner all Officers, below the Degree of Colonel, having Commissions signed by Us, shall have Precedence of such Provincial Officers of equal Rank, though their Commissions be of elder Date.

129. THE Officers of Our Forces in the *East Indies,* when on Duty, together with Officers in the *East India* Company's Service ;——shall command Senior Officers of equal Rank in the said Service, if they do not hold also a Commission from Us.

SECTION VII.

Application of the Articles.

130. ALL Persons employed on the Recruiting Service, receiving regular Pay in respect of such Service;——and Officers and Persons serving and hired to be employed, or who shall serve and be hired to be employed, in the Royal Artillery, and in the several Trains of Artillery;——and in the Department of the Royal Engineers, and all Officers serving or who shall serve in the Corps of Royal Engineers;——and all Officers and Persons serving or who shall serve in the Corps of Royal Military Surveyors and Draftsmen;——or in the Corps of Royal Sappers and Miners;——and all Master Gunners, and Gunners who now are or shall be under the Ordnance;——and all Officers and Persons who are or shall be commissioned or employed in the Commissariat or Ordnance Departments, and who are or shall be serving with any Part of Our Forces, at Home or Abroad, under the Command of any Officer having a Commission from Us;——and all Storekeepers and other Civil Officers who are or shall be employed by or act under the Ordnance, at any of Our Ordnance Establishments at Foreign Stations;——shall be governed by these Our Rules and Articles, and shall be subject to be tried

by

by Courts-martial in like Manner with the Officers and Soldiers of Our other Troops.

131. NO Officer, Non-commissioned Officer, or Soldier shall be adjudged to suffer any Punishment extending to Life or Limb by virtue of these Our Rules and Articles, within Our United Kingdom of *Great Britain* and *Ireland, Jersey, Guernsey, Alderney, Sark,* and *Man,* and the Islands thereunto belonging, except for such Crimes as are herein expressly declared to be so punishable within the same.

132. THE Officers, Non-commissioned Officers, and Soldiers of any Troops which are or shall be raised or serving in Governments, Colonies, or Dominions, or in Countries or Places in Possession of or occupied by Our Subjects, or any of Our Forces, being mustered and in Pay;——shall, at all Times, and in all Places, when joined or acting in conjunction with Our British Forces;——or under the Command of any Officer having a Commission immediately from Us;——be governed by these Rules and Articles of War, and shall be subject to be tried by Courts-martial, in like Manner as the Officers and Soldiers of Our British Troops.

133. WHEN any of our Land Forces shall be employed in the *East Indies,* they shall,

shall, while there, duly observe and obey the Rules and Articles of War established by Us for the better Government of the Officers and Soldiers in the Service of the United Company of Merchants of *England* trading to the *East Indies*, and be subject to the Pains and Penalties therein specified for Crimes or Offences against the same, in all Matters and in all Respects in which the said Rules and Articles of War are not at variance with the Rules and Articles of War made by Us for the Government of all Our Forces.

WHENEVER any of Our Forces shall be embarked on board Our Ships of War, or any other Ships which may have been regularly commissioned by Us, and which may be employed in the Transportation of Our Troops;———Our Will and Pleasure is, That the Officers and Soldiers of such Forces, from the Time of Embarkation on board any Ship as above described, shall strictly conform themselves to the Laws and Regulations established for the Government and Discipline of the said Ship, and shall consider themselves, for these necessary Purposes, under the Command of the Senior Officer of the particular Ship, as well as of the Superior Officer of the Fleet (if any,) to which such Ship belongs. 134.

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185. THE first Four Sections of these Our Rules and Articles are to be read and published *Once* in every *Two Months*, at the Head of every Corps in our Service; and are to be duly observed and exactly obeyed by all Officers and Soldiers who are or shall be in Our Service.

GEORGE